

MINUTES OF THE BOARD OF CHURCHILL COUNTY COMMISSIONERS

155 N. Taylor St., Fallon, NV 89406

January 18, 2023

Call to Order:

The regular meeting of the Board of County Commissioners was called to order at 1:15 PM on January 18, 2023.

PRESENT:

Commissioner Harry Scharmann
Commissioner Justin Heath
Commissioner Myles Getto
County Manager Jim R. Barbee
Comptroller Sherry Wideman
Deputy District Attorney Joseph Sanford
Deputy Clerk to the Board Pamela D. Moore
Clerk/Treasurer Linda Rothery

ABSENT:

Pledge of Allegiance:

The Pledge of Allegiance was recited by the board and public.

Public Comment:

Chairman Scharmann asked if there was any public comment. David Brakebill said I am a member of the Library Board of Churchill County. I am not speaking on behalf of that board but on behalf of myself. I am not going to speak of the housing and the developments. I would like to speak about the library. When the housing development is approved, when the base expands, and when we add all these new workers to the base and to the city and to the area, the library needs more space. A year ago, we presented our Strategic Plan. The Library Director and our board and associates spoke to the need of an expansion of the library. The library is a community anchor, not just for Fallon, but for the county. It is also a virtual connector. It connects us to the rest of the state. All the libraries in the state are connected. They provide learning for all, even for people who have already gotten past public schooling and are still trying to learn. Through the library, they can learn. We are undersized for our population. Our program attendance maxes our spaces, so I would like to ask you to consider adding the library to your agenda in the future and let us start discussing an expansion. I know that the county funded a lot of things last year. The big thing was the 3C Arena. That is a lot of funding. You gave money to CAPS, which I fully support. The library was never mentioned all year. Thank you.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 11th day of January 2023, between the hours of 1:00 and 5:00 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted:

Commissioner Myles Getto made a motion to approve the Agenda as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- December 1, 2022.

The Minutes of the meeting held on December 1, 2022 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on December 1, 2022. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

B- December 12, 2022 Joint Water Workshop with Lyon County.

The Minutes of the joint water workshop held with Lyon County are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Commissioner Justin Heath made a motion to approve the Minutes of the joint water workshop with Lyon County held on December 12, 2022. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Appointments:

A. A- Consideration and possible action re: Update of current activities, plans, or actions related to the Bureau of Land Management's Carson City District.

Jake Vialpando, Field Manager of the Stillwater Field Office of the Bureau of Land Management, will provide an update of current activities, plans, or actions related to the Bureau of Land Management's Carson City District.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Jake Vialpando, Field Manager of the Stillwater Field Office, said this will be my last meeting with all of you. It has been a pleasure working with you. I am the new Field Manager in the Anchorage Field Office. I will be leaving in the next two weeks.

Jake Vialpando had a slide presentation as follows:



BLM-STILLWATER FIELD OFFICE

In December, I issued a new decision regarding that geothermal project reducing the amount of megawatts at this time from 60MW down to 12MW. Once that site is up and producing, we will start the Section 7 consultation process again with the U.S. Fish and Wildlife Service and, once again, begin drafting a Biological Assessment in response to the listing of the Dixie Valley Toad. We still have ongoing litigation in District Court. There are a couple of motions to stay the entire litigation process until a biological opinion is issued by the U.S. Fish and Wildlife Service, which has not been ruled on yet.

Dixie Meadows Geothermal Project

- BLM reinitiated Section 7 Consultation on the toad and are actively drafting a biological assessment.

Coyote Canyon Geothermal Exploration Project

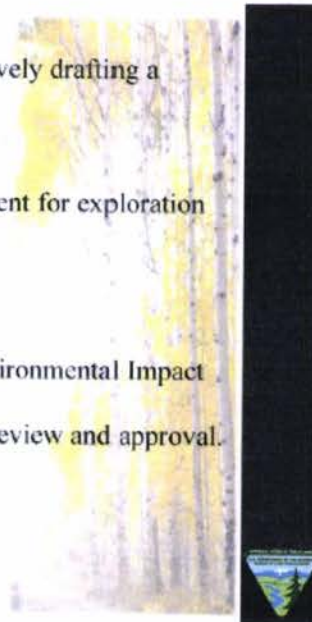
- BLM is currently drafting a preliminary environmental assessment for exploration
- Internal review of PEA this month
- Plan to issue for a 30-day public review in February.

Libra Solar EIS

- BLM has drafted the Notice of Intent (NOI) to complete an Environmental Impact Statement (EIS) be published in the Federal Register
- NOI is currently being routed for State and Washington Office review and approval.
- NOI is scheduled to be published in mid to late January.

Statewide Land Use Plan/Resource Management Plans

- Any BLM updates will be shared.



Navy Expansion

- BLM currently interpreting the NDAA Bill from BLM's perspective.
- BLM discussing personnel needed to implement the Expansion.
- Other questions?

We are still working through the process of reading and understanding it and all the things the BLM has to do with implementing it. We are still trying to figure out exactly how to move forward. I look forward to our meeting on Friday with Jim and the Navy and to get things put in place and moving forward.

County Manager Jim Barbee said I appreciate the meeting on Friday. We already have the committee that was created a couple years ago through the Defense Authorization Act Intergovernmental Executive Committee, which really has everybody at the table, so one of the things I will be talking about is looking to that infrastructure that already exists as part of our resource to really sit down and start working through the large things that we have in front of us. I know you guys are trying to get a handle on all the obligations and I totally respect that and see that it is a big lift but any help you guys can give me in getting ahold of Michelle Liber with the Southern Nevada Public Lands Management Act would be appreciated. I have made a couple of attempts and have not had any success, yet, other than I got a quick phone call that she was dropping in and out on her cell phone. I sent a couple emails because part of that NDAA made Churchill County one of the eligible counties for the Parks and Recreational funds and that became active at the moment of the presidential signature and I want to ensure that, if there is time to get into the grant process for this funding cycle, we have an idea of what the timeline is so we can jump in and not miss the timeline simply because we have not been able to get communication and a clear understanding on this side. The remainder of it, for sure, is going to be a heavy lift and we look forward to working with you and talking more on Friday.

Jake Vialpando said that sounds good and I will convey your questions regarding Michelle and see if we can get some information for you.

Chairman Scharmann said, with regard to the NOI, is there going to be any local review of that or opportunity for comment locally? Jake Vialpando said not on the NOI itself. It is pretty straight forward in the sense of just publishing it through the *Federal Register* and letting the public know that we are going to start the public scoping process for that project and then identify that we are going to have a number of different open houses for public comments and coordination. I also think that Churchill County is involved in that process. That affords you an even more inclusive seat at the table to work through that project. Chairman Scharmann said, well, we have been a cooperating agency in the past. Are we still? County Manager Jim R. Barbee said, yes, I assume we are still, unless this has a separate request that has come out. We have had a couple come in front of my office that we have returned back signed, so we want to be at the table every opportunity we can on this. Jake Vialpando said I will check and make sure that you are and, if not, we can go through the process and get you guys officially, for this project, a cooperating agency status. It is not a difficult deal.

Chairman Scharmann asked if there was any public comment but there was none. This item was presented for informational purposes only and no action was taken.

B- Consideration and possible action re: A Planned Unit Development (PUD) Permit Application filed by Nev Dev, LLC (Old Stone Ranch) for property located near Casey Road and Birch Lane, on Assessor's Parcel Numbers 008-792-11, 008-792-95, 008-831-77, 008-831-85, and 008-831-86, for a total area of 107.239+/- acres in the R-1/E-1 zoning districts, which properties were previously approved for urban development but those approvals have expired. The current development proposes 619 single-family and multi-family residences. This number includes a request for bonus density in exchange for providing community benefit by constructing a county park.

The proponents of the Old Stone Ranch Planned Unit Development (PUD) have submitted the next step out of several in the PUD approval process. The Applicant previously went through the two steps of the concept stage for the PUD – one being a Planning Commission workshop and the other being a Planning Commission hearing. They took comments from the public and Planning Commissioners made during the concept review and have been refining the project. In addition, there have been extensive meetings with staff and the project incorporates staff comments, as well.

The Application for the PUD Permit was reviewed by the Planning Commission at a hearing. The Planning Commission made a recommendation to the Board of County Commissioners (BOCC). These hearings were noticed to neighboring owners and in the local newspaper.

Below are the code requirements for the PUD Permit stage. This staff report serves as the detailed review described in Item 13, in preparation for the Planning Commission Hearing. It includes the tentative subdivision map review referenced in Item 15.

CCC 16.12.040.3.E. Application process.

... ..

8. Following input from the planning commission on the conceptual planned unit development application the applicant can move forward to prepare the planned unit development submittal application.

9. a. Upon completion of the planned unit development application and supporting information the applicant can submit to the Planning Department. Submittal should specifically address all concerns and comments that were raised by the staff and planning commission during the conceptual review process.

10. The planning staff will review the submittal for completeness and accept or reject the application (one week following submittal).

11. When the request is deemed complete the staff begins review.

12. Approximately two to three weeks after initial submittal, staff will have a meeting with the applicant to review the request and ask for any additional information needed and review comments from other county departments.

13. Upon completion of staff review the request will then be placed on the agenda for the next planning commission meeting for review and recommendation.

14. Following the planning commission meeting the item will be forwarded to the county commission for action.

15. Following approval of the planned unit development application the applicant may proceed with preparation of a tentative map(s). Tentative maps must be prepared in accordance with requirements of a subdivision tentative map. Where a tentative map will be filed simultaneously with a PUD application the applicant must meet with staff following the public hearing on the conceptual map to determine development standards and design elements.

Summary of Project

The details of the project are fully described in the submittal materials. A summary of the primary elements of the project are provided below.

- Two major project areas: a North Unit (47 acres, zoned R-1) and a South Unit (60 acres, zoned E-1). Total is 107 acres.
- Phasing Plan: A detailed Phasing Plan is provided in the submittal. Major elements include: (a) completion of Old Stone Parkway/Casey Road intersection improvements, (b) completion of Birch Lane/Allen Road intersection improvements, (c) segmental construction of Old Stone Parkway, (d) connection of Old Stone Parkway to Birch Lane, and (e) phasing of county park improvements. Park phasing contingencies are included to account for whether development of either the North Unit or South Unit happens first.
- North unit - Includes most of the proposed density: Apartments east of the parkway, Townhomes west of the parkway, and a small number of single-family homes south of the multi-family elements. Both townhomes and apartments are considered multi-family development in the County Code, subject to specific requirements and review through a SUP. Buffers for adjacent single-family development to the east and west are proposed, as required by the code. See the submittal for details. Numerous small blocks of open space are planned within the multi-family areas. See maps for details.
 - o Apartments - Note that the layout of apartments are shown in the PUD exhibits. This is a conceptual layout, of how the apartment buildings could be laid out within some general rules, such as buffers and setbacks. The actual number of proposed apartment units and their associated parking lots are included in the layout, but required amenities are not shown. There is a large undeveloped area that was set aside and provides extra space for flexibility. A future developer would determine final layout of the apartment complex within the limits imposed by the PUD. The apartment complex will require a Special Use Permit at the time it moves forward to demonstrate compliance with the PUD and Churchill County Code.
 - o Townhomes - The townhome area is laid out with much more certainty, though the final layout of townhome blocks may shift somewhat - again within some general rules, such as buffers and setbacks. The actual number of proposed townhomes and their associated parking lots are included but required amenities are not shown. There is a large area of undeveloped area that was set aside and provides space for flexibility. The townhomes complex will require a Special Use Permit at the time it moves forward to demonstrate compliance with the PUD and Churchill County Code.
- South unit - Includes two areas of single family homes on either side of the proposed parkway, and a proposed community park along Birch Lane that will be offered for dedication to the county. Trails and blocks of open space are planned along the edges of the single family areas. See maps for details. While the layout of the single family homes could be shifted around, it is very likely to be in a final configuration.
- Normal Open Space Area that is required is 20% of property, or 21.4 acres. The residential

units that would be on these areas are shifted to the remaining 80%, so density of individual areas varies across the site. The proposed open space meets the required acreage. Note that there is additional undesignated space within the boundaries of the Townhomes area, and the Apartments area that are not allocated toward the 20% requirement, but will be available for amenities and additional open space for both areas.

- Open Space must be developed. Examples include lawn areas, other landscaping, open space hardscape (not normal street sidewalks), sports facilities, child play areas, etc. An exception is that protected special natural areas (like river vegetation) do not need to be developed – providing a cost savings. Note that in previous designs, the applicant proposed natural open space for the grassland at the south end of the project. However, that space is now needed for stormwater detention. Normally, ditches, drains, and stormwater ponds cannot be counted as open space without special approval. The Applicant proposes that some agricultural drain segments and the stormwater ponds be built into a park setting and be allowed to count as open space. The decision on this request is embedded with the Motion of Decision.

- Density Calculations

- o Base Zoning Density: Averages 5 units/acre for north unit, and 2 units/acre for south unit. Maximum units would be 341. Average density for entire site would be 3.2 units/acre.

- o Normal PUD Density: Averages 5 units/acre for north unit, and 3.2 units/acre for south unit. Maximum units would be 428. Average density for entire site would be 4 units/acre.

- o Bonus Density can be requested by providing community benefit that is over and above the normal requirements. The maximum average density is 8 units/acre for north unit, and 5 units/acre for the south unit. Maximum units would be 678, or 250 bonus units. Average density for entire site would be 6.3 units/acre.

- o Proposed Bonus Density: Proposed units are 617, or 189 bonus units. In exchange, the applicant proposes to add community benefit by (a) building a 10-acre community park (with specific features) and offering to dedicate the land and improvements to the County, and (b) offering public access to the open space areas in the project. The park is over and above the normal 20% open space requirement, bringing the total open space to at least 31.4 acres. Proposed Average Density for project is 5.77 units per acre.

- County Park: There has been extensive discussion between the applicant and the county regarding specific facilities to be included in the park. However, the PUD materials are somewhat vague. Staff recommends the following specific items for clear expectations of the constructed facility: (a) 10 acres of area, (b) 7 acres of irrigated grass sports fields, (c) a well and well house (the County will provide water rights), (d) the irrigation drain piped and filled through the park (for child safety reasons), (e) 1-acre of other landscaping with irrigation, (f) approximately 1-acre of gravel parking areas, (g) security lighting for common areas (parking, restroom, perimeter paths), (h) a restroom building with men's and women's facilities and community sewer, water, and power systems, (i) non-hardscape trail connections to the PUD trail system that may use natural vegetation for landscaping.

Note that the 10-acres of the park will be landscaped to County specifications rather than the standard PUD open space rules. The park would be transferred to County ownership after construction, subject to construction and plant growth guarantees. Staff recommends conditions to deal with its transfer to the County.

- Traffic and Access

- o Primary Access and Major Roads: The project has performed a Traffic Study that has had

multiple update letters. It recommends intersection improvements at the 2 primary points of access: (1) on the north edge at the Casey Road/Old Stone Parkway intersection, and (2) to the east at the Birch Lane/Allen Road intersection. The traffic study and intersection improvements can be found in the submittal. Old Stone Parkway (partly within an existing easement) is proposed to run through both the North Unit and South Unit. It will be a collector road. Birch Lane runs east-west between the North Unit and South Unit, and provides access to Allen Road. It, too, will be a collector.

- o Minor Access: There are several points of minor access. Along the west side of the North Unit is an existing development with 4 roads dead-ending at the property: Eagle Rock Road, Big Horn Drive, Black Bird Road, and Elizabeth Parkway. These will be extended through the townhomes to connect with Old Stone Parkway. Eagle Rock Road will not be located within the existing easement for it; but rather that location will be abandoned and re-established. There will be no public roads through the apartment complex, only driveways. Birch Lane fronts most of the South Unit. There are small residential streets connecting to the north side of it. Neighborhood streets serving the project's single family homes will connect with Old Stone Parkway and Birch Lane.

- o Pedestrian Access: Pedestrian facilities are proposed within the PUD project, on streets and trails. None are proposed off-site. Most of the population (5/6 of the density) and associated pedestrian use will be in the North Unit.

- Water and Sewer Service: The project site is adjacent to the existing County water and sewer systems: North Unit's west edge, South Unit's north edge. Primary service mains will run through the townhome and apartment areas, and in the single family area roads.
- Stormwater: The applicant has provided a drainage report for dealing with stormwater. The concept is to use surface drainage rather than subsurface pipes to reduce infrastructure costs and maintenance difficulties. This would include street gutters and landscape swales for routing water to detention basins placed throughout the development. The applicant proposes to design and landscape them, and requests that they be allowed to contribute to the open space.
- Irrigation Facilities: The project has 3 BOR/TCID facilities on the property. One on the northmost edge (Pine Road). One on the southmost edge that was first thought to run through the property, but then found to run along the property line. And one through the middle (near Birch Lane) that is proposed to be piped. The north and south facilities are not being altered. Both BOR and TCID have been involved with the project.

A more detailed review and explanation is in the Staff Report provided for the Commissioners' review and decision. A copy of the Staff Report and the Planning Commission recommendation are attached.

Recommended Conditions:

- 1) The PUD materials and Tentative Subdivision Map shall be updated within 60 days to reflect requirements of these conditions of approval to the satisfaction of County Department Heads. Disputes shall be resolved by recommendation of the Planning Commission and approval by the BOCC. Failure to update materials in a timely manner will require reconsideration by recommendation of the Planning Commission and approval by the BOCC.
- 2) All Final Subdivision Maps shall be in substantial conformance with the approved PUD and Tentative Subdivision Map, and subject to the following:

a) A submittal not in substantial conformance must be approved as a modified tentative map by recommendation of the Planning Commission and approval by the BOCC.

b) A Final Merger and Resubdivision Map for the North Unit shall be submitted that excludes the South Unit.

c) A Final Subdivision Map for the South Unit shall be submitted that excludes the North Unit.

d) Final maps for subsequent phases shall not be submitted until infrastructure for the previous phase is constructed.

3) Construction of the North Unit shall progress consecutively according to the Phasing Plan. Construction of the South Unit shall progress consecutively according to the Phasing Plan. Construction of the County Park, and the on-site and off-site road improvements shall be implemented according to the Phasing Plan. Phases may not be implemented out of turn, but may be implemented concurrently with adjacent phases.

4) A diagram illustrating the plan for abandonment of existing road easements, utility easements, and parcel lines shall be added to the tentative map. Tentative map drawings shall be updated, as deemed necessary by the County Surveyor, to clearly illustrate/document proposed abandonments. All roads and easements that are to be abandoned shall be abandoned through the appropriate process before Final Maps are recorded.

5) The plan for the handling of each road shall be clearly indicated on the tentative map, as described in the Staff Report or determined at the hearing, to clearly state what is to be built and what is to be offered to the County. The proposed easement/right-of-way width, construction standard, and end of proposed road length (where applicable) for each road shall be clearly labeled. All roads shall be shown to be offered for dedication, and drawn based on whether the County plans to accept the offer. Driveways through the townhomes shall not be offered for dedication.

6) Additional road improvements shall be provided as indicated below. The tentative map and/or handbook shall identify and label such measures.

a) Privately maintained streets shall be signed to indicate they are privately maintained.

b) The Birch Lane/Old Stone Parkway intersection shall receive turning lane improvements, as determined by the Road Supervisor, and installed with the associated Birch Lane improvements noted below.

c) Birch lane shall be reconstructed. This shall be accomplished with water line installation, where applicable. The remaining length (mainly eastward from the project) shall be completed with the Birch Lane/Allen road intersection improvements, and included in the Phasing Plan.

d) The developer shall work with County Staff to determine measures to use on Birch Lane at the Cedar Drive and Pine Road intersections that prevent northbound turning onto Cedar Drive and Pine Road. The improvements shall be included into the Phasing Plan to be implemented with the first Final Map of the South Unit, or the Connection of Old Stone Parkway to Birch Lane.

e) Street lighting shall be provided for Old Stone Parkway to County standards. Street lighting on other streets shall be determined by the developer. Lighting shall installed with the associated road improvements.

f) Pedestrian safety improvements shall be installed to County standards and as directed by the Road Supervisor.

g) Improvements required by the NV Dept. of Transportation shall be installed.

- 7) If the proposed density bonus is approved in exchange for the community park:
 - a) The park shall be constructed with the facilities listed in the Staff Report.
 - b) The park shall be shown as an easement and offered for dedication on first Final Map of the South Unit, though the County does not plan to accept the park at the time.
 - c) Once any usable park facilities are constructed the applicant shall enter into an agreement with the County to authorize use of the park, in a manner acceptable to both parties.
 - d) Once the park is fully constructed, the County will accept dedication of the park on the next Final Map, or by separate action at a later date.
 - e) Acceptance of the park by the County will be contingent on a 1-year guarantee after construction, except where such time period has already passed.
- 8) CC&Rs shall include the following items:
 - a) The county park shall be included within the boundaries of the Homeowners Association (HOA); but the county shall not be assessed fees, and the HOA shall not be responsible for park maintenance once the county takes over maintenance of the park.
 - b) All non-park landscaping shall be maintained by the HOA.
 - c) All street lighting and common area lighting shall have power and fixture maintenance costs paid by the HOA.
 - d) Stormwater basins and drainage pathways shall be maintained by the HOA.
 - e) In the North Unit, all private driveways in the townhomes and apartments area shall be maintained by the HOA.
 - f) In the South Unit, all roads except Old Stone Ranch shall be maintained by the HOA.
- 9) The PUD Handbook shall describe the use of HOAs, including any layering of multiple HOAs to address management differences within the PUD.
- 10) The conceptual layout of the townhomes and apartments that is shown in the PUD materials and tentative map are approved. Detailed design of the townhomes must be approved by Special Use Permit concurrently with a Final Map of the area. Once approved, individual townhome blocks must be constructed by the Master Developer. Detailed design of the apartments must be approved by Special Use Permit before construction. Both multi-family developments must demonstrate conformance with CCC 16.16.020.8(I) Multi-Family Development.
- 11) The improvement plans for off-site and on-site sewer and water infrastructure shall be designed to County standards. In addition:
 - a) Existing water and sewer lines lying outside the project that need to be upgraded to serve the project shall be completed at the developer's expense, as determined necessary by the Public Works Director.
 - b) Any sewer lift station upgrades needed to serve the project shall be completed at the developer's expense, as determined necessary by the Public Works Director.
 - c) Any additional water main segments needed to meet looping requirements shall be installed at the developer's expense, as determined necessary by the Public Works Director.
 - d) Moving the existing water line to lie within the new configuration of Eagle Road will be at the developer's expense.
- 12) Changes to the handbook shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Impact Fee requirements shall be met according to timing in the County Code.
 - b) Water dedication requirements shall be met before Final Map submittal.

- c) The proposed concept for 2 project signs is approved at locations. Sign face area shall conform to the County sign code maximum area of 40 square feet for each sign.
- 13) Any final changes required by the County Surveyor shall be made prior to recording.
- 14) At the time of submittal for Improvement Plans, an updated Drainage Plan shall be provided that clearly assesses each drainage basin in relation to its catchment area.
- 15) Descriptions of the typical landscape approach for different areas of the project shall be included in the Handbook, and must be acceptable to the Public Works Director. All PUD open spaces must be developed in conformance with the handbook with the phase they are associated with.
- 16) The tentative map shall clearly show the plan for dealing with irrigation facilities. Information shall be included on Final Maps documenting the status of the drain along the south edge of the project and through the middle of the project. All necessary permits for altering facilities shall be obtained.
- 17) The handbook shall indicate that deviations from the established standards be reviewed according to the variance provisions in County Code.
- 18) School bus turnouts shall be provided in the North Unit as recommended by the school district, and included on the tentative map.
- 19) In addition to proposed friction zone measures, the following additional measures shall be implemented:
- a) A solid rear property line fence shall be installed to better separate the single family lots along the farming operations in the South Unit. The fence shall be installed at the time of Final Map infrastructure for the associated lots.
 - b) A rear setback of 70 feet shall be indicated on the tentative map for the South Unit between the farming operation property line and south rows of residences.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chris Spross, Public Works Director made the presentation as outlined above.

Mike Railey representing Nev Dev, LLC said I think everybody is familiar with the site location. It is 107.2 acres just south of Casey Road, north of Birch Lane. There are two requests we are presenting today. The first is the creation of the Planned Unit Development that could allow for up to 617 units. The second is the Tentative Subdivision Map to allow for 101 single family units and 108 townhomes. The apartments are not part of the Tentative Subdivision Map request. We would have to come back with a Special Use Permit for the approval, although they would be included in the PUD approval. This is the overall plan and I will get into some detail when I get further into the presentation. It is broken into the northern and then the southern unit. The southern unit being primarily the single family with the majority of units in the northern unit. Chairman Scharmann said, at the top of the map, is that Birch Lane? Mr. Railey said that is Casey Road. Chairman Scharmann said so there will be an entrance off of Casey Road? Mr. Railey said correct. Chairman Scharmann said Birch Lane is coming down the side here? Mr. Railey said no. This is the overall summary of what is proposed. Single Family Residential use accounts for of 28.9± acres of land dedicated to single family detached residential units, which

account for 101 units of the 617. Attached single family residential townhomes will have 108 units. The apartments or the multi-family residential consist of 21.4 acres for 408 units. There are 21.4 acres of open space. It is important to note that the open space does not include any private open space within the townhomes or apartments. The apartment amenities are not included in the open space calculation. It is included in the overall areas respectively. The park, which is not part of the open space calculation, is another 10 acres.

One question that was asked multiple times was why a PUD? It allows for a diversified housing option. Not just apartments and not just single family but a mix of residential uses. It also comes with strict development standards, which will increase the quality and aesthetics of the final project. It provides for community amenities such as the trails, open space, and enhanced landscaping. All of those amenities will be open for public use. The benefit is that it is maintained by the HOA, so there is no maintenance burden put on the county in terms of those private amenities that are still open to the public.

We have made several changes to the plan as we have gone through this process. We have increased our buffers and we provided limitations on building heights and the number of stories with the multi-family portion. We updated the phasing plan and defined the public park amenities and we provided commitments on public improvements and timing. The housing demand is what is really fueling this request to move forward. The continued expansion of NAS Fallon and the tremendous employment in the area, if you look at what happened at TRIC, in addition to the base and then, the logistics center in Fernley, are all expected to add thousands of jobs in the next 5-10 years. Also, there are a large number of retirees and generational growth.

The single family use is located within the southern unit of the PUD off of Birch Lane. That also includes the community park and we are actually lot matching to the existing homes on the west side and providing a significant buffer around the entire perimeter of the project. Single family residential use accounts for 28.9± acres of land dedicated to single family detached residential units. Lot sizes range from 7,000 square feet to 15,000 square feet + in size. Single family use is located within the southern unit of the PUD, as well as within the west-central portion of the site. The proposed lot layout is subject to minor changes with final design but shall be substantially compliant with the tentative map. Larger lots are provided along the perimeter boundary of the PUD when adjacent to existing single-family homes/lots. Table 2 includes development standards for single family uses. We will have pedestrian connectivity within the neighborhoods and then all the streets will be maintained by the HOA.

The townhome portion is west of Old Stone Parkway south of Casey Road up in the northern unit. These are for sale products. These are not rental homes. They will be individually owned. There are 108 total on the west side of the northern unit. They will be two stories with private garages. There will be landscaped common areas and significant landscape buffering on the west side to screen the project from any existing developments. We have a minimum 80 foot setback on the south and the west. It really does provide home ownership opportunities for younger couples and families, people wishing to downsize their living space, or those just wishing to minimize the yard upkeep responsibilities of a standard single-family home.

The Apartment Village will be made up of two and three-story apartment buildings. Two-story buildings are proposed to be located on the eastern side of the village where they abut existing residential lots. This, coupled with an increased setback and landscaping, will ensure that the privacy and views of existing homes is retained and that all potential impacts from the apartments are mitigated. Three-story buildings are not located adjacent to existing lots, instead they are located interior to the site.

The community park will include 7 acres of sports fields. We have heard from a variety of park uses in the community that there is desperate need for additional fields. The total acreage will be 10 acres. This is public park that is open to everybody. It will have restrooms, lighting improvements, walking paths, and trail connections that connect into surrounding communities. It really is going to be a community amenity for the entire area. There are some existing mature trees out there and we will preserve all the healthy ones and incorporate those into the park plan.

Open space and common areas include parkways, buffer yards, trails/pathways, and open areas internal to Old Stone Parkway. Although held in private ownership, these areas are generally owned by the HOA but open for public use. In addition, street landscaping required by Churchill County Code shall be maintained by the HOA. Natural and landscaped areas, trails, and public amenities may be counted towards the 20% open space requirement. It will have a nice physical appearance.

For the phasing plan, if you have any questions let me know and I will try to answer them. With the community park phasing, we now have the defined phasing plan that provides assurances to the community and commitments to the developer for the improvements. Everything is happening concurrently with development. The park phases are timed with the development phases. It is not as if a developer can come in and develop a project and not develop a park. Everything is triggered altogether.

For roadway improvements, there was an impact analysis done and it did identify improvements that would need to be made. The first one was the improvement needed at the Old Stone Parkway/Casey Road intersection. That was a big concern when we went to the Planning Commission Workshop. The developer is committed to completing those improvements with the initial phase of the northern unit. When those townhomes begin construction, those improvements will be completed concurrently. That includes adding a new turn lane and widening associated with the intersection improvements. The second one is the South Allen Road/Birch Lane intersection. Those improvements will be completed concurrently with the development of the single family residential units or completion of Phase 2 of the apartments. That includes, not only the intersection, but also the improvements for the entire length of Birch Lane. We are committed to do those concurrently, even though the traffic study identified that they would need to be done down the line. We are doing everything up front.

Solaegui Engineers did a traffic study analysis. That study was scoped with Churchill County and NDOT. The mitigation measures are incorporated in the PUD standards, as well as in the PUD Handbook. They are reflected on the plans submitted. All studied intersections operate within acceptable levels of service per Churchill County and NDOT standards. We heard from

residents about the striping of Allen Road from Sheckler Road to Williams Avenue. The developer will commit to those improvements with the initial phase, as well.

Infrastructure and services with new residential units within Old Stone Ranch will be required to connect with the Churchill County water and sewer systems. Additionally, a detailed drainage analysis is required prior to construction and must demonstrate that no additional run-off from the site may occur in the post-development condition. This will be accomplished with the use of detention/retention basins, as necessary, and will be designed by a Nevada licensed professional engineer. Drainage is proposed to be designed using surface pathways to convey flows to nearby detention basins wherever possible. Detention basins will be landscaped in a manner to qualify for consideration as open space. The Nevada Division of Environmental Protection has recommended approval of the project. We have also coordinated with the BOR and the Nevada Department of Wildlife. Any upgrades needed will be at the expense of the developer, not the county.

Vacancy rates are at historic lows. We have met with representatives of NAS Fallon. Their housing is at 100% capacity right now. They are sending their employees into Lyon County and Fernley and even as far as Carson City and Dayton for housing. There is an imbalance in housing choices. There are very few apartments available in Fallon, which is forcing them out of the market. The Navy is estimated a 35% growth between 2020-2027. We are kind of in the middle of that, which is behind the 8-ball as far as keeping up with their growth. There is a letter submitted by the Navy, which basically says they are very supportive of any new developments for housing in our area. They feel it will be a benefit to our community and a benefit to their operations.

Chris mentioned the housing needs assessment that was spearheaded by Churchill County and in 2019 identified an imbalance in multi-family housing. There is a 3.2% vacancy rate. The multi family was identified as only 10% of the total housing stock. For some comparisons, if you look at Lyon, Humboldt, Carson City, and Washoe Counties and, if you average those out, Carson City is around 25%, Lyon County is about 22%. Washoe County is at 30%, so there is definitely an imbalance within Churchill County. That assessment was updated again in 2021. The study identified that 2,257 new residential units will be needed by 2025. I think there has been less than 70 of those built. This assessment says that 328-470 units per year are needed to accommodate growth in Churchill County.

The Nevada Rural Housing Authority has published studies showing the balance between renters and homeowners. The report talks about the inability for people to move up to housing from renting. That is where we think our townhomes will be a very unique niche. It will be a perfect opportunity for somebody that is renting to get into home ownership. The Economic Development Authority of Western Nevada (EDAWN) reported that they estimate an 8.6% population growth, a 12.7% job growth, and an 8.8% household increase within the region over the five years ending in 2023. As you can see, it is just compounding. We have not caught up yet.

Growth and development factors support a change in land use. I think it is well documented

through our analysis and through studies that have been commissioned by the county that there is a desperate need for housing and a need for diversification. I think that is how that first finding is met. The change in land use represents orderly development and adequate services and infrastructure to support land use. This project will connect to all municipal services. If there are any extensions and improvements that need to be made, those improvements will be completed at the expense of the developer, not the county. It is within the urbanizing zone. It is an area identified for increased density and development. It meets the intent of the Master Plan.

Chairman Scharmann asked if there was any public comment.

Jackie Ugalde said the development abuts my property. I have questions. At the last meeting in December, the Planning Commission denied this because the water, sewer, and electricity was not up to date with what would be required for that big of a development. I have heard nothing since then on what they are doing with that. Also, I asked the gentleman who was present what type of a fence they were putting in between my property and theirs. He said a 6-foot high wood fence. Is that the open boards like they were showing on the pictures there? That is an invitation there for kids to come in there and cause problems. When they built the houses on Lattin Road on the side of my property, we had nothing but problems from children coming through there and destroying equipment, they broke car windows, stole tires, and broke several other items that were on our property. We called the police and they told me you have to put up no trespassing signs. I said how about eight times and then I left. He walked away and nothing was done. I am worried about the kids and I noticed there is a buffer zone on the upper part of the area they are talking about between the houses and the apartments, they are going to build up there. On my property, they have a strolling path through there, an invitation for beer cans, drug paraphernalia, and whatever else gets thrown over the fence, so their parents don't know what they are doing into my field. Every time I want to cut my hay, I will have to go through and clean the field to make sure that my equipment is not going to get damaged. I am not happy with the way they set things up. That is too many buildings, too many people in one area. Churchill County is a large area. I disagree with the amount of buildings that they are putting in those small areas. Everyone in Fallon is living here because they don't like living in Reno, Los Angeles, or San Francisco. This type of building in this area is forcing us to live in that kind of an area. Last night on TV they had a program that was showing rural houses in Philadelphia and New York, apartment buildings in other areas in the country and, they had nothing but problems. People breaking car windows. One old lady off of her gourd was hollering because some guy was parked in her driveway. Not controlled at all. That is not the kind of area I like to live in. I like Fallon. I like it how it is a smaller town. I am not against growth; I am against over building in one area. It invites nothing but trouble. You can reach through your window and shake hands with the guy next door. That is too close together. I think we should cut down the number of buildings per acres. They have said that it is five to an acre. No way. For the number of houses they are building on that 20 acres, that is not 1/5th of an acre per house. That is putting them down bumper-to-bumper. I don't see that as a livable community. Also, the Navy says they need more housing. There is a whole lot of area around the base. Why do they have to build it right here? They are talking about employment. I see no new business for anybody to survive on in Fallon. What is coming in? Nobody says anything. Do we have any businesses coming in? Where are these people going to work?

Eddy Delgado said I live on Casey Road and have for 23 years. I raised my first kid there and he graduated and went to the Marines. Nice man. I am raising my daughter now. I want to invite any of these people that want to, before they even put a brick in there, to spend the night in my house. There is already a lot of traffic there. There is more trash in there. I am worried about my well. The water is going to have more traffic. There is going to be more problems. I just feel like it is not the time right now to do something like that. Everything is going so good and so clean and oh, the gardens and everything, but what about the water. That is my biggest concern. I will invite them to spend the night in my house anytime. They can realize what I am saying. A lot of people are walking by. A lot of traffic. There have been 2 accidents this last year right there. One car went into the canal and the other one jumped into the canal and there was another one recently that was right by the water gates, so I don't know how they are going to do this. I am just concerned and that's all. That is all. I am just objecting to this project, that is all.

Brent Huntsinger said I live on Pine Road. I talked at the last meeting. There is going to be growth. There is no way to fight it and we welcome growth but not that type of growth. The townhomes that people are going to be owners of sounds kind of nice. A two-story limit, you know, the 80-foot buffer zones, those are good. The apartment complex, that is one I am a little bit concerned with. The base needs housing. They have a lot of space out there. They can find someplace out there to put an apartment complex. It would not cause the problems that you are going to be hearing about today. The single dwelling homes are good to the south. I don't know if you really need the community park district. We got a good size park in town less than a mile away. I am glad that the county is not going to pay for the maintaining of it but somebody is. One thing about the traffic, what about the Sheckler Road/Allen Road intersection? They are going to widen all this stuff up for Allen Road off of Birch Lane and everything like that, which will be fine but there is going to be a big backup at the intersection at Sheckler and Allen. Nothing about that has been talked about. That is going to affect a lot of people. There is going to be growth, like I said before, just not so tight as mentioned. Loosen things up a little but not so close together and do that but there is going to be growth. We know that, we accept that, we just don't want it to be a burden. It is going to be a thing that is going to cause trouble. We are going to be living here for the rest of our lives. You guys want to live here for the rest of your lives. Just what the county did with the water provided to that complex just to the west of what we are talking about now, 200 bucks a month. I think there are about 3 lawns in that whole complex. Most of that property is now rental property. It is no longer owned by the owners or lived in by the owners. Lessen the amount and do a thorough examination of the traffic, water, and electricity.

Ann Brown said I live on Dallas Drive and have for 27 years. Like he just mentioned, the intersection at Sheckler and Allen problem, which will be there because they are going to the base. The other problem is on Casey going up to the intersection of the highway. You can probably get six cars in line to make a left turn to go to Reno or Fernley or USA Parkway and no one has mentioned that. If all those people in the apartments are going two different ways, they are either going to the base or they are going west and, if they get in line up at that intersection of Casey and the highway, they are going to block the turn into Walmart because there is not enough room. I don't know how you can widen it. They talk about it is easy to get to

Walmart and they can walk. They are not walking on Casey Road, that is bad enough driving on it but people that walk on it, it is so dangerous. Unless they have a way to sneak through the properties to get there not on Casey Road, there will be people who get hurt or worse.

Lori Souba said I live on Silver Circle just off of Birch Lane and I would ask for your grace for my time if I can go slightly over. I am just going to read this page, that is all I am going to do. I might be slightly over. Speaking of the strict developmental standards mentioned in the original presentation, Churchill County Code of Ordinances 16.08.125 Planned Unit Developments Generally, Section E findings.

- **The commission, in forwarding a recommendation of a PUD application, shall make the following finding of fact: A growth and or development factors in the community support a change in the land use:** Maybe not. While Churchill County does need new development, there is no growth and or development factors that demand this particular change in land use. There are thousands of undeveloped acres in Churchill County that could be used for high-density housing. There are no factors in our community that require dropping high-density housing into the middle of an E-1 neighborhood as a first response to the need for housing. There is no excuse for destroying an established rural neighborhood for this purpose with all that land available. This development can be built in a designated high-density area in Churchill County where not one single resident will be damaged. The land use change is not legitimate but it is convenient for the county. Should the land use in our neighborhood be changed simply for the county's convenience? No. This ordinance is not met.
- **The change in land use represents orderly development and that adequate services and infrastructure to support the proposed land use are available in the area.** This is not orderly development by anyone's standards. Multiple apartment complexes next to one acre residences with laughable mitigation make this a very disorderly development and does not meet the standard in any measure. Inadequate infrastructure in the way of roads incapable of handling this massive increase in traffic means gridlock for our neighborhood. A right turn lane or two does not adequately address the 3,000 plus cars the study said would be on tiny Birch Lane every day or the 5,000 plus cars on Casey Road. This ordinance is not met.
- **The change in land use provides for an appropriate use of the land.** It does not. High-density housing does not belong in an E-1 or R-1 zoned residential neighborhood. It belongs in a city not in a rural county neighborhood. This ordinance is not met.
- **The proposed land change is in substantial conformance with the Master Plan or other adopted plans and policies.** On the Master Plan our neighborhood is an area planned for urbanization but when the Master Plan was written, could anyone have predicted that we would have a County Manager that would insist on high-density, city level density housing built here in a rural neighborhood? I don't think anyone would have imagined that in their wildest dreams. There is not a plan or policy that I could find that stated our rural neighborhood has been any part of high-density housing, apartments, condos or townhouses. If that were part of a reasonable plan, the roads and infrastructure would have been built to support it. They have not been. This ordinance is not met.
- **The proposed land use and project is sensitive to and compatible with the use and development of the adjacent properties.** This is the icing on the cake. I think we all

know that building multiple apartment complexes across the backyard fence from residences with a little grass, a tree or two with a walking path thrown in as mitigation. It shows no sensitivity at all to the homeowners living next to the apartment parking lot. Horn honking, light pollution, sound pollution at all hours of the day and night. It is not sensitive or compatible to these homeowners who will be damaged by it. Their home values will plummet. DA Joe Sanford said Mr. Chairman, I believe 3 minutes are up. I just don't want to create an issue when they have gone too long. Lori Souba said may I take his time. James Souba said I came for public comment. DA Joe Sanford said if you would like to finish the letter, maybe that would work. Lori Souba said their home values will plummet and this is a constructive taking of property values from homeowners in order to unjustly enrich developers at the homeowners' expense. It is a tort, it is illegal. This ordinance is not met. These are the many reasons the Planning Commission voted against approval. If the Commissioners vote to accept this PUD, note that you are violating the county's own ordinances in doing so. You are going against the Planning Commission and against the vast majority of people. The hundreds that have written, spoken, emailed, and signed letters over the past 2 years. They have spoken, we have spoken, you represent us. That is why we voted you into those seats. Dr. Heath, you are the Commissioner for our neighborhood. We need you to please hear us and speak for us now. Thank you.

James Souba said, to continue my eloquent comments, look, all I am asking is that you do what is right here. This whole thing stinks. It stinks. The Planning Commission recommended against it. It appears before you guys as a recommendation to approve. The public is wildly against this. The only thing I can ask is that you really think about this. Would you be okay with this in your backyard? You go home tonight and tell your wife, oh, by the way, I voted for multi-story apartment buildings right next door to an E-1 house. Oh, by the way, I said it would be okay to do it to our house too. Just tell me how your wife would respond to that. Seriously? I mean this just doesn't make sense. Not in Churchill County. We are a rural county. Please. We are not opposed to development. The southern unit that you drew out, great, bring it on. Even the townhomes are fine. The real problem is the apartments. Apartments are a commercial activity. Okay. An apartment has nothing, an apartment dweller has more in common with a hotel occupant than it does to a homeowner. They just don't belong together. It doesn't make sense. You can't tell me that you don't believe that the homeowners are going to be damaged by having a three-story apartment right next to their E-1 estate. This is just wrong. The mitigations are inadequate. Please, just do what's right. Would you allow this next to your house? That is the question, right. I am quite certain that your common sense is going to tell you that this does not belong next to my house. It doesn't belong next to those houses on Pine Road either. Please, just do what's right. Thank you.

Mike Kubiak said I live on Christy Circle. I was not at the last meeting but I believe that the commission voted for 400 possible units with no apartments in that. I don't know if that is right. It said that Mr. Getto was the only one that voted for the development so, if that is true, I wasn't here but that is what I hear. I agree with the people about the base, if they are worried about it. I worked on the base for the defense contract for 25 years. Things change constantly over there. They have been saying for years that they may be totally filled up. I agree with that but all these

people come in 30 some percent here or there. There is room over there. I think that the problem that I have is the magnitude. I think we are trying to put 10 pounds of crap in a 5 pound bag and it doesn't work. It just doesn't work. With the traffic, my merging speed is 0-50 on Allen Road because nobody is doing 35 down there and you want to throw more into this. It is just the magnitude. I would say to the developer you want to build something for me, build me a Rivers Edge, a Venturacci, or a Santa Fe for those 1-acre homes. Around my area is all one-acre. He wants parks; he talked about lighting; I agree with the lady that it brings in bad things. It is a good place to hang out, I get it, so are we going to light it up like Walmart every single night? It is a nice peaceful area back there. Trevor Hammond spoke eloquently about what we have here in Fallon, Nevada. I got here in 1997 and I said I am out of here in 6-12 months. I am happy to say that I am here 25 plus years and, as of right now, I have no intentions of moving just because of what Fallon brings. I understand the development. I know we have to progress but do we have to ruin what is here in Fallon, Nevada? Thank you for your time.

Nancy Hoggard said I live on Pine Road. There are many factors that will affect this but I am going to focus on traffic and water because of time. In the July Planning Commission meeting there were conversations revolving around the park and the developer said something that, without the park, it would just be a regular neighborhood. That was met with great approval for the residents. It was not approved at that meeting. They were told to come back with something I am assuming more like a regular neighborhood. In the December Planning meeting, they came back with the same thing, nothing had changed, apparently from county employees. In both of these meetings, Chairman Yates spoke about traffic and water and especially about traffic up on Coleman, which I am not as familiar with. Like I said before, 80 miles an hour is not a fairytale. Chairman Scharmann said is that on Casey Road or Coleman? Nancy Hoggard said I am talking about Birch. Chairman Scharmann said 80 mph? Nancy Hoggard said yes. Feel free to come and hang out. I will provide refreshments. I thought all the traffic was coming down to Birch Lane but they are experiencing the same thing at Casey Road. You make the circle all the way around. I know that Highway 50 is a state highway. It is a nightmare. If you build in a regular neighborhood, the E-1 zoning, you are still going to have a traffic problem. Even with the striping and turn lanes and stuff, I don't see that it is going to improve a whole lot. It may cause a few more accidents. One summer week there were three days in a row that the Casey Road intersection was closed for accidents. Our residents in this area do not need to sacrifice our livelihoods and our property values for the development. It is a big county. There is a lot of space, which has been mentioned. A lot of my stuff has already been spoken about. You guys, you three County Commissioners, have been elected to represent the county residents. I was unable to get here when you took the Oath of Office, so I don't know exactly what you said. I think that is the general idea in that we voted for you and that you represent us, not everybody else. I know I am out of time but I want to mention one thing for future residents that can't be here for the single family homes on the south side of Birch. They are going to buy a nice home and be happy until they realize that the county is not going to maintain their roads. The county maintains most everybody else's roads in the county but they won't be maintaining theirs. Apparently, there are a lot of other things that this HOA is going to be, I know that people are supposed to read the contracts. How many people are going to buy a house and then they are going to be really surprised when they get an assessment for paving. I hope you can take into consideration not only the current but the future residents of this area. It is just that you have to

find more ways in and out with the current level of residents. Thank you.

Del Thomas said I live on Pine Road. Something that has not really been addressed is about the water situation. We were told in past meetings that the new redundant well was just to be able to activate when maintaining the original well on Dallas and Elizabeth Parkway. Recently, someone who I think is well in the know, indicated to me that that well, the purpose of it was for this new development. I don't think that we have been told upfront. I think we have been lied to. I think we are being hoodwinked by quick-speak. We are not being represented well by those who are sitting up there and behind. I don't think the staff has been honest with what is going on here. I believe that you have a great responsibility to those who are in this room, not the ones that sit on that bench with you or to the staff. I think you are responsible just to those in this room and the community. I don't think with what has been presented by the developers, as far as the HOAs and what the HOAs will take care of, there are too many parts. We are supposed to be taking care of HOAs and there are just patches now because no one wants the responsibility and no one wants to have the liability of what might be incurred there. You would not be servicing this community if you approve this. I really don't believe you will. If fact, you would be remembered for years to come for a very detrimental affect on the community that we love and I think you love too. So, think hard. You represent us, not those on the stand with you. Thank you.

Richard Ramet said I live on Eagle Rock Road and have been here for about 15 years. I am very much not in favor of this whatsoever. My back fence will be addressing these skyscrapers they want to put up, which eliminates my morning sunlight. That is the way that goes. I don't want to say it is going to be urban blight with these structures but I don't think this belongs in our county. I don't want to look out and see these structures there. You can talk of the effect on the water table, you can talk about the traffic that comes in, the electrical grid, providing schools for the children who are going to be attending there. There are so many reasons why I don't want this. I don't know what to say. I just think it is wrong. I think having these structures built in the middle of the county in what used to be farming and ranching areas and all of a sudden here is this monstrosity and they are going to give them the CC&R that has to maintain this whatever acre park and all of their roads. I don't know if the new purchasers are going to understand what that represents for the HOA fees that they are going to have to be paying to maintain to help all those properties. I think it can be done elsewhere and I think we are being sold something and I think this is wrong. Anyway, I thank you very much.

Albert said I just moved here a couple years ago. I live off of Coleman Road. What you guys don't realize is that it is just going to bring crime and it is going to cost the county money because you have to build schools, the Police Department, the Sheriff's Department, all these things that people bring. I came from a small community in Turlock, California. I saw our community start going downhill and that is what is going to happen here. That could happen here. I moved here to get away from that. There are other things that need to come along with this. Grocery stores and stuff like that. Everybody has to have food to eat. You have to have protection by the law. You have to build the streets. I see the streets in disrepair and you have to worry about the water. All these things that you guys need to think about before you start building more houses, okay, especially apartments. I was born and raised in San Francisco. We had communities there; they built these things and they ended up calling it Devil Rock. They

called it that because the crime came. They even spruced up the buildings later. It still went downhill. They built a nice big, tall, apartment building, and, within a couple years, there were people that wouldn't even go in there because that is the crime that was in there. I had folks that worked at City Hall in San Francisco and there was a kid that played football in high school. Nobody wanted to recruit him because they were afraid to go in the building. Before he just walked in the door and his mother said he is going in your school, just like that he was brave enough to into that damn building. That is going to happen because you bring all these people in. I am not afraid of growth but what I am afraid of is running out of water, you know, and driving my car down, I don't even drive a car, I drive a motorcycle, you can get hit by another car because that has happened to me several times already. I don't want that to happen to me again because I can't get my bike on the line. It is worthless. I can't get around no other way. I don't drive vehicles, I drive, I love my motorcycle. It is just the fact that you are going to hear all these things and I know how the turns are, I know the roads. They are nice and straight and they are great to ride on but you have a lot of traffic here too, especially coming out on 50. I think that is not being addressed at all. A streetlight here, a streetlight there, maybe a turn lane here, a turn lane there. You know, if you have 40-50 cars and what have you, you got an apartment complex with over 1,000 people living there, I mean, that is just too much. I think we need to look at it, you know, what can I say. You can build homes and townhomes, but an apartment complex will bring crime. I have seen it several times and I moved here to get away from it.

Nancy Parker said I live on Cedar Drive. I have lived here over 40 years. I have seen a lot of changes over these 40 years. I agree with everything my fellow neighbors have been speaking of. I don't have a whole lot to say other than they are all well spoken and addressed all the issues. What I am concerned about is, after this development occurs, since we are on one-acre pieces with wells and septic, how long will it be before we are annexed in and we are forced to pay for sewage and water hookups? That is a real concern and I saw that happen on Maine Street. No one has addressed that. That is a lot of money for the people in our neighborhood. Most of us are retired. There are still people that are working but who can afford that? Then, it would be at our expense. That is all I have to say, thanks.

Chairman Scharmann asked if there was any further public comment. Chris Spross said I do want to clarify one thing about the water. There have been some comments made about the redundant well. NRS states that we have to have a redundant well to serve our water treatment plant. If something happens to the original well that we have now, all the people that are hooked up to that will not have any water. We have a million gallon storage tank which, in the summer, will last maybe 6 days. In the winter, maybe 10, but that is all we have. I just want to point out the timeline of the redundant well in comparison to when this application was brought to the Planning Department. I had mentioned earlier that we have been working on this for just about 2 years. It was March of 2021. I started working for the county in September of 2020 and that well project had already been underway and grant funds had already been received for that. There is no correlation between this project and that well. I just wanted to make that clear.

County Manager Jim Barbee said there is a long public record of when the request was brought on the redundant well. There were conversations with the city in terms of doing a connection with the city for emergency purposes and then the decision, ultimately, I want to say I think I

came in May of 2018, and it was within that 6-month time period of that 2018 arrival, somewhere in there, that we brought forward the concept. The Commission, at that time, approved the preliminary engineering on the redundant well as mandated by state statutes. Just so that we are clear and everybody understands what that is and that is part of the existing water system and does not have anything to do with this or any proposals that are in front of us today.

Mike Railey said I can address some of the issues that were raised. The traffic was a recurring comment. Solaegui Engineers did a comprehensive study and that was then updated based on a couple of things, like changes we made to the plan, as well as an additional intersection analysis that was requested at the Planning Commission meeting. The updates to the plan actually reduced the traffic by about 660 trips per day over what was originally proposed and then all of those intersections that were analyzed, including Birch Lane, Casey Road, the intersection at Allen and 50, the intersection at Casey and 50 all operate at a level of service of either A, B, or C except full levels of service go all the way to level service D, which is an acceptable level of service, so we are well within those acceptable levels of service. Actually, we are well below what would be considered a failing intersection. If you look at the traffic study, it shows the increase in delays for turn movements and whatnot are, I think the worst case scenario was about a 4-second additional delay. Part of what we have done are the improvements in that traffic study that were to be phased over time and we are committed to do those from day one. We provide all those mitigation measures up front to ensure that we will not have those long-term problems. We will do all the improvements in the first phase.

Comments were made about the height of the apartments. We have committed that we will not have any three -story apartment buildings around the perimeter of the complex. They will all be internal to the complex. We further stipulated in our handbook that they will not be within 120 feet of the property line. We are limited to 35 feet in height. I live in a two -story home that is 34 feet in height. If we do have three-story buildings, they are not these large imposing buildings. People hear three stories but 35 feet is really a reasonable height for an apartment complex. Chairman Scharmann said so, those are the ones that would be near the property line? Mike Railey said any three-story buildings will be internal to the project. We would only have two-story around the perimeter.

I just want to address your responsibility as Commissioners. I know that a lot of people saying you know that you are elected to serve the people and I certainly respect that and I understand the concerns, however, this is a need for the community as a whole. We feel that this is a benefit and this project will bring benefits in terms of the park and improvements that are needed by the community from the feed back that we have received.

Brent Ford said I live on Christie Circle and I just want clarification on what was going to happen with the existing drainages that were planned that were already existing that the park would go over, and also the situation of the actual number of the sizes of the lots on the south section adjacent to Christie Circle. I just wasn't positive on the number of homes that would be per half acre. Del Tomas said the person who just spoke addressed some of the issues that all the public here, I believe, have addressed their concerns. He addressed that traffic would be reduced; I don't know what pixie dust might be snorted, but when you add 600 units of people, I

don't know how traffic can be reduced. I really don't see that as a viable thing. Chairman Scharmann said do you want to address that? I did hear you say that it would be reduced. Mike Railey said I certainly will not make a claim that we are going to reduce traffic from what it is today. I did say that we have reduced by 660 trips over what the original traffic study proposed. The changes we made in the plan resulted in 660 fewer trips than what was originally forecast for the project. Regarding the question about lot sizes around the perimeter, there is a range. On the west side, we have lot sizes just under 21,000 square feet and another under 25,000 and one just under 26,000 and, if you go along the southern boundary, they are anywhere from about 11,000 to 14,000 square feet, so the 1/3 acre range.

Commissioner Heath said we have junior sailors living in travel trailers in Hawthorne, Fernley, and Reno. We are short 80% of the housing out there on the base right now. We have seniors who just want a reliable place to live. They don't want an acre, they don't want to pay a landscaper, they just need a place. My mom's rent was recently raised by \$500 from the landlord because they can. We want to put them in places where they can live where they don't have to sit there and worry about that. We have our young people who graduate and have to leave town because there is no place to live. You talk about no one to work and there are places here and no businesses. If you don't build, those businesses don't come here. There is no place to live. We can't get physicians at the hospital because there is no reliable housing here. We have to do something about it and this is one way. Most people starting out cannot afford a home for \$500,000. It is unreasonable. It is unrealistic. We need something like multi-family housing, so I am going to vote yes.

Commissioner Myles Getto said I am of younger age and have seen the problem. While I am very fortunate, which I am thankful for every day, all my friends who graduated with me that wanted to stay here in Fallon to work here and raise their families here, die here, like me, are not able to. It is very, I don't want to say easy to say, but you should just put it somewhere else, put it somewhere further. Well, that only starts a little flareup and infestation of development out in that area and you could very well put it out in the middle of Hazen somewhere or whatever you want to call it, so it is fair. I am not in favor of that because it is not fair to those people. First of all, how are you going to get water out to them? What infrastructure is out there for them? You have to create all that brand new. The other problem is that you want to be close to town to be able to be close and have the access that all of us have access to. We all love Fallon for our own reasons, so why can't we just share that with other people, as well, instead of making them live out in the middle of nowhere. I'll be voting yes on this project.

Commission Chairman Bus Scharmann said this issue is a difficult decision. You elected us to make decisions and they're not always popular decisions. Right now, 23% of the people who work at NAS Fallon live out of the county. We need housing in Churchill County. I know that this might upset many of you that this development is going near you. The idea of putting it in Hazen doesn't work very well because then you aren't near Safeway or Walmart and places like that either. It is a little difficult to make these kinds of decisions but these decisions have to be made.

Commissioner Myles Getto made a motion to: (A) approve the Planned Unit Development

Permit for the Old Stone Ranch PUD on APNs: 008-792-11, 008-792-95, 008-831-77, 008-831-85, and 008-831-86, subject to the conditions listed in the Agenda Report and Staff Report.; (B) to approve the request for density bonus in exchange for the proposed county park; and (C) to approve the request to include irrigation facilities and stormwater basins that are specially landscaped in the Open Space calculation. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: A Planned Unit Development Tentative Subdivision Map filed by Nev Dev, LLC referred to as Old Stone Ranch, located near Casey Road and Birch Lane on Assessor's Parcel Numbers 008-792-11, 008-792-95, 008-831-77, 008-831-85 and 008-831-86, for a total area of 107.239+/- acres in the R-1/E-1 zoning districts, whereby the subdivision will implement the Planned Unit Development.

The proponents of the Old Stone Ranch Planned Unit Development (PUD) have submitted the next step out of several in the PUD approval process. The Applicant previously went through the 2 steps of the concept stage for the PUD – one being a Planning Commission workshop, the other being a Planning Commission Hearing. They took comments made during the concept review from the public and Planning Commissioners and have been refining the project. In addition, there have been extensive meetings with staff, and the project incorporates staff comments, as well.

The Application for the PUD Permit was reviewed by the Planning Commission at a hearing. The Planning Commission made a recommendation to the Board of County Commissioners (BOCC). These hearings were noticed to neighboring owners and in the local newspaper.

Below are the code requirements for the PUD Permit stage. This staff report serves as the detailed review described in Item 13, in preparation for the Planning Commission Hearing. It includes the tentative subdivision map review referenced in Item 15.

CCC 16.12.040.3.E. Application process.

... ..

8. Following input from the planning commission on the conceptual planned unit development application the applicant can move forward to prepare the planned unit development submittal application.

9. a. Upon completion of the planned unit development application and supporting information the applicant can submit to the planning department. Submittal should specifically address all concerns and comments that were raised by the staff and planning commission during the conceptual review process.

10. The planning staff will review the submittal for completeness and accept or reject the application (one week following submittal).

11. When the request is deemed complete the staff begins review.

12. Approximately two to three weeks after initial submittal, staff will have a meeting with the applicant to review the request and ask for any additional information needed and review comments from other county departments.

13. Upon completion of staff review the request will then be placed on the agenda for the next planning commission meeting for review and recommendation.

14. Following the planning commission meeting the item will be forwarded to the county commission for action.

15. Following approval of the planned unit development application the applicant may proceed with preparation of a tentative map(s). Tentative maps must be prepared in accordance with requirements of a subdivision tentative map. Where a tentative map will be filed simultaneously with a PUD application the applicant must meet with staff following the public hearing on the conceptual map to determine development standards and design elements.

FYI – After a Tentative Subdivision Map is approved, it is followed by a Final Subdivision Map. This is also reviewed by the Planning Commission, who makes a recommendation to the BOCC. Though it is not subject to full noticing provisions (neighbors and newspaper). Normal public meeting noticing is provided. The approval is to ensure that code requirements and conditions of approval have been met before recording the map.

Note that the language above refers to a “tentative subdivision map”, but in this instance there is the need to merge existing lots before subdividing the larger property. The North Unit and South Unit are physically separated from each other (by the sewer lift station property and road), so each will need a Final Map that is separate from the other. For the North Unit, this uses the official terminology of a “merger and re-subdivision” (as allowed under NRS), and it too has a “tentative map” and “final map” stage. The merger and re-subdivision (a) eliminates existing lot lines, (b) merges the lots together, and (c) re-subdivides the property all in one process rather than multiple processes. Existing utility easements can be abandoned within the same process. For the South Unit, the process will be a standard “subdivision,” but the lots will have to be merged and any easements abandoned as separate preliminary steps.

An important point is that a PUD and a Tentative Subdivision Map are PLANS, which are not intended to be unchangeable or designed to construction detail. Some adjustments, shifting, and minor changes are allowed in the final designs. This is a distinction between “tentative” plans and “final” plans. The subdivision laws specifically have the Tentative Subdivision Map stage, and the Final Subdivision Map stage. Similarly, PUDs have the construction or land division stages that come afterward. As a general rule, the standard is that the final plan “substantially complies” with the approved tentative plan.

A more detailed description of the project is included in the Staff Report, which is included for the Commissioners' review and decision. The Planning Commission's recommendation is also attached.

Recommended conditions:

- 1) The PUD materials and Tentative Subdivision Map shall be updated within 60 days to reflect requirements of these conditions of approval to the satisfaction of County Department Heads. Disputes shall be resolved by recommendation of the Planning Commission and approval by the BOCC. Failure to update materials in a timely manner will require reconsideration by recommendation of the Planning Commission and approval by the BOCC.
- 2) All Final Subdivision Maps shall be in substantial conformance with the approved PUD and Tentative Subdivision Map, and subject to the following:
 - a) A submittal not in substantial conformance must be approved as a modified tentative map by recommendation of the Planning Commission and approval by the BOCC.

- b) A Final Merger and Resubdivision Map for the North Unit shall be submitted that excludes the South Unit.
- c) A Final Subdivision Map for the South Unit shall be submitted that excludes the North Unit.
- d) Final maps for subsequent phases shall not be submitted until infrastructure for the previous phase is constructed.
- 3) Construction of the North Unit shall progress consecutively according to the Phasing Plan. Construction of the South Unit shall progress consecutively according to the Phasing Plan. Construction of the County Park, and the on-site and off-site road improvements shall be implemented according to the Phasing Plan. Phases may not be implemented out of turn, but may be implemented concurrently with adjacent phases.
- 4) A diagram illustrating the plan for abandonment of existing road easements, utility easements, and parcel lines shall be added to the tentative map. Tentative map drawings shall be updated, as deemed necessary by the County Surveyor, to clearly illustrate/document proposed abandonments. All roads and easements that are to be abandoned shall be abandoned through the appropriate process before Final Maps are recorded.
- 5) The plan for the handling of each road shall be clearly indicated on the tentative map, as described in the Staff Report or determined at the hearing, to clearly state what is to be built and what is to be offered to the County. The proposed easement/right-of-way width, construction standard, and end of proposed road length (where applicable) for each road shall be clearly labeled. All roads shall be shown to be offered for dedication, and drawn based on whether the County plans to accept the offer. Driveways through the townhomes shall not be offered for dedication.
- 6) Additional road improvements shall be provided as indicated below. The tentative map and/or handbook shall identify and label such measures.
 - a) Privately maintained streets shall be signed to indicate they are privately maintained.
 - b) The Birch Lane/Old Stone Parkway intersection shall receive turning lane improvements, as determined by the Road Supervisor, and installed with the associated Birch Lane improvements noted below.
 - c) Birch lane shall be reconstructed. This shall be accomplished with water line installation, where applicable. The remaining length (mainly eastward from the project) shall be completed with the Birch Lane/Allen road intersection improvements, and included in the Phasing Plan.
 - d) The developer shall work with County Staff to determine measures to use on Birch Lane at the Cedar Drive and Pine Road intersections that prevent northbound turning onto Cedar Drive and Pine Road. The improvements shall be included into the Phasing Plan to be implemented with the first Final Map of the South Unit, or the Connection of Old Stone Parkway to Birch Lane.
 - e) Street lighting shall be provided for Old Stone Parkway to County standards. Street lighting on other streets shall be determined by the developer. Lighting shall installed with the associated road improvements.
 - f) Pedestrian safety improvements shall be installed to County standards and as directed by the Road Supervisor.
 - g) Improvements required by the NV Dept. of Transportation shall be installed.
- 7) If the proposed density bonus is approved in exchange for the community park:
 - a) The park shall be constructed with the facilities listed in the Staff Report.

- b) The park shall be shown as an easement and offered for dedication on first Final Map of the South Unit, though the County does not plan to accept the park at the time.
 - c) Once any usable park facilities are constructed the applicant shall enter into an agreement with the County to authorize use of the park, in a manner acceptable to both parties.
 - d) Once the park is fully constructed, the County will accept dedication of the park on the next Final Map, or by separate action at a later date.
 - e) Acceptance of the park by the County will be contingent on a 1-year guarantee after construction, except where such time period has already passed.
- 8) CC&Rs shall include the following items:
- a) The County Park shall be included within the boundaries of the Homeowners Association (HOA); but the County shall not be assessed fees, and the HOA shall not be responsible for park maintenance once the County takes over maintenance of the park.
 - b) All non-park landscaping shall be maintained by the HOA.
 - c) All street lighting and common area lighting shall have power and fixture maintenance costs paid by the HOA.
 - d) Stormwater basins and drainage pathways shall be maintained by the HOA.
 - e) In the North Unit, all private driveways in the townhomes and apartments area shall be maintained by the HOA.
 - f) In the South Unit, all roads except Old Stone Ranch shall be maintained by the HOA.
- 9) The PUD Handbook shall describe the use of HOAs, including any layering of multiple HOAs to address management differences within the PUD.
- 10) The conceptual layout of the townhomes and apartments that is shown in the PUD materials and tentative map are approved. Detailed design of the townhomes must be approved by Special Use Permit concurrently with a Final Map of the area. Once approved, individual townhome blocks must be constructed by the Master Developer. Detailed design of the apartments must be approved by Special Use Permit before construction. Both multi-family developments must demonstrate conformance with CCC 16.16.020.8(I) Multi-Family Development.
- 11) The improvement plans for off-site and on-site sewer and water infrastructure shall be designed to County standards. In addition:
- a) Existing water and sewer lines lying outside the project that need to be upgraded to serve the project shall be completed at the developer's expense, as determined necessary by the Public Works Director.
 - b) Any sewer lift station upgrades needed to serve the project shall be completed at the developer's expense, as determined necessary by the Public Works Director.
 - c) Any additional water main segments needed to meet looping requirements shall be installed at the developer's expense, as determined necessary by the Public Works Director.
 - d) Moving the existing water line to lie within the new configuration of Eagle Road will be at the developer's expense.
- 12) Changes to the handbook shall be made for compliance with Churchill County Code, including but not limited to:
- a) Impact Fee requirements shall be met according to timing in the County Code.
 - b) Water dedication requirements shall be met before Final Map submittal.
 - c) The proposed concept for 2 project signs is approved at locations. Sign face area shall conform to the County sign code maximum area of 40 square feet for each sign.

- 13) Any final changes required by the County Surveyor shall be made prior to recording.
 - 14) At the time of submittal for Improvement Plans, an updated Drainage Plan shall be provided that clearly assesses each drainage basin in relation to its catchment area.
 - 15) Descriptions of the typical landscape approach for different areas of the project shall be included in the Handbook, and must be acceptable to the Public Works Director. All PUD open spaces must be developed in conformance with the handbook with the phase they are associated with.
 - 16) The tentative map shall clearly show the plan for dealing with irrigation facilities. Information shall be included on Final Maps documenting the status of the drain along the south edge of the project and through the middle of the project. All necessary permits for altering facilities shall be obtained.
 - 17) The handbook shall indicate that deviations from the established standards be reviewed according to the variance provisions in County Code.
 - 18) School bus turnouts shall be provided in the North Unit as recommended by the school district, and included on the tentative map.
 - 19) In addition to proposed friction zone measures, the following additional measures shall be implemented:
 - a) A solid rear property line fence shall be installed to better separate the single family lots along the farming operations in the South Unit. The fence shall be installed at the time of Final Map infrastructure for the associated lots.
 - b) A rear setback of 70 feet shall be indicated on the tentative map for the South Unit between the farming operation property line and south rows of residences.
- FISCAL IMPACT: N/A
EXPLANATION OF IMPACT: N/A
FUNDING SOURCE: N/A
ACTION REQUESTED: Accept

Chairman Scharmann asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the Tentative Subdivision Map for the Old Stone Ranch PUD on APNs: 008-792-11, 008-792-95, 008-831-77, 008-831-85, and 008-831-86, subject to conditions listed in the Agenda Report and in the Staff Report. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: An appeal of the denial by the Planning Commission of a Special Use Permit Application for a multi-family development referred to as Riverstone Apartments, in conjunction with a tentative subdivision map, filed by Vertex Fund 3, LLC for property located on Coleman Road, Assessor's Parcel Numbers 008-301-11 and 008-301-12, consisting of 26.24 and 5.20 acres, respectively, in the R-3 zoning district whereby the applicant proposes to construct apartments in a proposed subdivision.

History of Site:

These properties have been in county ownership for over 5 years. They were acquired for two reasons. First, they are at the best point of a new river crossing for a new north-south traffic corridor that has been planned for nearly 20 years – being the extension southward of Moody

Lane, connecting to Allen Road or other streets into the City of Fallon. Second, the problem of getting builders to provide adequate multi-family development caused the county to find ways to initiate such development on behalf of the community.

During these years, the county has been progressively taking steps to bring these 2 projects to fruition.

- Purchase of the properties.
- Undertaking a recruitment process to entice a developer to undertake a project.
- Undertaking planning and funding efforts for the bridge and utility improvements.
- Extending the utility service area to the site and surrounding lands.
- Establishing a new zoning district that would support an apartment complex.
- Rezoning the property to the new R-3 zoning district.
- Working with the project applicant toward sale of the property and permitting of the project.

The Applications are the end stages of the apartments project and a step toward the Moody Lane extension. After land use permits, the remaining steps will deal with implementation and construction.

Permit Applications:

There are 3 land use permits involved with this application; two of them result from an unconventional approach the developer has toward the projects.

- Special Use Permit: Churchill County Code limits the location of large multi-family developments to either the R-3 zone, as applicable to this project; or incorporated within a Planned Unit Development. When allowed, Churchill County Code requires that all multi-family development be reviewed through a Special Use Permit.
 - o Conventional apartment complexes would not need additional permits. They would be built on a single large property under a single owner. For this project, the developer is using an unconventional approach that will (a) include a subdivision to place apartment buildings in the complex on their own lots, and (b) using a zero-lot-line development approach for those lots. The large remaining area will be the common area managed by a Homeowners Association (HOA) composed of all the building owners.
- Variance from lot density and all setbacks: Extensively developed jurisdictions normally have provisions to allow a zero-lot-line development approach. Churchill County does not have such a nuanced code (except through a Planned Unit Development). Thus, doing a zero-lot-line development needs a variance from normal setbacks and lot density (based on the small lot size). Note that such standards are met when considering the larger property.
- Tentative Subdivision Map: The factor that causes the need for the variance is that each apartment building will be on a separate lot using a zero-lot-line development approach. Creating the building lots is accomplished through a subdivision. The State subdivision laws specifically establish the Tentative Subdivision Map stage, and the Final Subdivision Map stage. After a Tentative Subdivision Map is approved, it is followed by a Final Subdivision Map. As a general rule, the requirement is that the final map “substantially complies” with the approved tentative map. The final map is also reviewed by the Planning Commission, who makes a recommendation to the BOCC. However, this “Final” stage is not subject to extensive noticing provisions (neighbors and newspaper). Normal public meeting noticing is provided. The “final”

approval is to ensure that code requirements and conditions of approval have been met before recording the map.

- o An important point is that a Tentative Subdivision Map is a PLAN, and is not intended to be unchangeable or designed to construction detail. Some adjustments, shifting, and minor changes are allowed in the final designs.

- o Note that the normal process for a land division review is for the County to perform a detailed review of the map, make “redline” correction notes, and have the developer revise the map for the Planning Commission meeting. For this project, Staff has performed the “redline” review, however the applicant has not been able to make revisions due to the unexpected unavailability of their surveyor. Staff recommends that the tentative map be revised for conformance with Churchill County Code and requirements in the conditions of approval.

- Supplemental Materials: The submittal includes the normal materials for the permits, as well as the additional materials below:

- o Preliminary improvement plans - These plans are normally submitted between the tentative map and final map stages. However, the applicant has been working on them and provided them for informational purposes. They provide additional detail about the apartment plans.

- o Traffic Study – required for large projects.

- o Drainage Study – required for subdivisions and projects with extensive land coverage.

- o Geotechnical Report - required for projects building roads.

Summary of Project:

The details of the project are found in the submittal materials. A summary of the primary elements are provided below.

- Two properties: The two adjacent properties total 31.4 acres. These two properties have lot lines and utility easements that are intended to go away. State law allows this through the Merger and Resubdivision provisions, without going through additional processes.

- No Phasing Plan: The project’s entire infrastructure will be implemented in one phase, and then the lots will be created. After that, the developer can build apartment buildings and common facility at their desired pace. Note that if the apartments and common facility are not constructed in a timely manner or are only partially built, the Special Use Permit could expire and need to be resubmitted.

- Apartments are proposed at the maximum density in the R-3 zone of 16 units per acre. The submittal plans for 444 units. There are 17 apartment buildings, mostly 3 stories in height, each proposed on its own lot using a zero-lot-line development approach. There is also a clubhouse on its own lot, and a rental office on its own lot, resulting in a total of 19 building lots and additional open space lots.

- Multi-family development is subject to specific requirements in the CCC 16.16.020.8(I).

- o The applicant proposes the maximum density in the R-3 zone of 16 units per acre, though the final number may have to be adjusted.

- o 20% of the site must be in landscaped open space. The submittal appears to meet this standard, though submittal materials use the wrong calculation in a table.

- o Open Space Amenities must also be provided and can be placed in the open space, as is proposed in the submittal. These include trails, picnic areas, children’s areas, clubhouse, etc. The open space landscaping and common areas are proposed to be maintained by the HOA.

- o Livability facilities such as a patio/balcony, laundry, and trash collection are proposed.
- o Adequate parking must be provided, and the submittal indicates at least 1.5 parking spaces per unit (666 spaces) will be provided in a non-assigned parking environment.
- County River Takeout Park: For a long time, there has been park plans to establish river floating facilities on the Carson River. The upstream “put-in” was obtained long ago near Sheckler Road, but the “take-out” has been difficult to make happen. One of the elements of the sales agreement was to implement a river takeout point at the future bridge location for Moody Lane. The submittal shows the conceptual plan for this facility, which will be located next to and under the Moody Bridge.

There has been discussion between the Applicant and the county regarding specific facilities to be included in the park site. However, the submittal materials are somewhat vague. Staff recommends the following specific items for clear expectations of the constructed facility: (a) approximately 2/3 acre of land dedicated to the county that includes the park and bridge areas; (b) an all-weather restroom building with 2 restroom spaces and connections to community sewer, water, and power services; (c) a paved parking area for approximately 20 spaces, with accessible spaces and security lighting included; (d) an ADA accessible pathway from the water line of the Carson River to the parking lot; and (f) slope stability treatment where needed. The park will be transferred to county ownership after construction.

- Traffic and Access

- o Primary Access and Major Roads: There has been extensive discussion with the applicant regarding road improvements. The project has performed a Traffic Study. It and the proposed road improvements can be found in the submittal. It recommends: (1) Construction of the Moody Lane segment south of the river extending from Coleman Road to near the bridge location. This road will also be used to access the internal loop road. (2) 3 auxiliary lanes for turning movements at the Moody Lane/Coleman Road intersection. These are located to place the extra needed road width along the property frontage. (3) A pedestrian bridge crossing over the Coleman Road canal to Regan Place.

- o Minor Access: The interior of the apartment complex will be served by a minor access loop road with two points of access on Moody Lane. In addition, there will be access easements for parking lot driveways throughout the project.

- o Pedestrian Access: Pedestrian facilities are proposed throughout the project, and on adjacent streets (including trails). None are proposed off-site.

- Water and Sewer Service: The project site is east of the Onda Verde subdivision, the nearest point of water and sewer service. The County’s water and sewer system mains in Verona Drive are about 1000’ from the project boundary, and the developer proposes to extend the system to the project site. Service mains will extend throughout the site, and will be extended north in Moody Lane for future extension across the river.

- Stormwater: The applicant has provided a drainage report for dealing with stormwater. The concept is to mainly use surface drainage, though subsurface pipes may sometimes be needed. This would include sheet flow, street gutters, landscape swales, and roadside ditches for routing water to detention basins placed along the north and south edges of the site. The applicant proposes to design and landscape them to contribute to the open space.

A copy of the Staff Report for more detailed information and a copy of the excerpt from the Planning Commission minutes including their decision for the special use permit are attached.

Recommended conditions:

- 1) The maximum number of apartment units is limited to 444 units. The actual number of units shall be adjusted to meet calculations limits in the Churchill County Code.
- 2) The Tentative Subdivision Map and other materials shall be updated within 60 days to add details for compliance with Churchill County Code, and reflect requirements of these conditions of approval to the satisfaction of County Department Heads. Disputes shall be resolved by recommendation of the Planning Commission and approval by the BOCC. Failure to update materials in a timely manner will require reconsideration by recommendation of the Planning Commission and approval by the BOCC.
- 3) The Final Subdivision Maps shall be in substantial conformance with the approved Tentative Subdivision Map. A submittal not in substantial conformance must be approved as a modified tentative map by recommendation of the Planning Commission and approval by the BOCC.
- 4) The plan for the handling of each road shall be clearly indicated in the tentative map, as described in the Staff Report or determined at the hearing, to clearly state what is to be built and what is to be offered to the county. The proposed easement/right-of-way width, construction standard, and end of proposed road length (where applicable) for each road shall be clearly labeled. All roads shall be shown to be offered for dedication, and drawn based on whether the county plans to accept the offer.
- 5) Additional road improvements shall be provided as indicated below. The tentative map and/or handbook shall identify and label such measures.
 - a) Privately maintained streets shall be signed to indicate they are privately maintained.
 - b) Street lighting shall be provided for the paved portion of Moody Lane meeting county standards. Street lighting on other streets shall be determined by the developer. Lighting shall be installed with the associated road improvements.
 - c) Pedestrian safety improvements shall be installed to county standards and as directed by the Road Supervisor.
 - d) Improvements required by the NV Dept. of Transportation shall be installed.
- 6) The river takeout park:
 - a) Shall be constructed with the facilities listed in the Staff Report.
 - b) Shall be offered for dedication on the tentative map, and the county plans to accept the park with approval of the Final Map.
 - c) Park facilities shall be constructed at the developer's expense and constructed with other subdivision infrastructure.
 - d) Acceptance of the park by the county will be contingent on a 1-year guarantee after construction.
- 7) CC&Rs shall include the following items:
 - a) The county's river takeout site shall be included within the boundaries of the Homeowners Association (HOA) but the county shall not be assessed fees and the HOA shall not be responsible for site maintenance once the county takes on maintenance of the site.
 - b) All street lighting and common area lighting shall have power and fixture maintenance costs paid by the HOA.
 - c) All non-park landscaping shall be maintained by the HOA.
 - d) Stormwater basins and drainage pathways shall be maintained by the HOA.

- e) The interior loop road and all private driveways shall be maintained by the HOA.
- 8) The tentative map's statement of CC&Rs shall summarize the use of the HOA and maintenance responsibilities.
- 9) The tentative map shall include a diagram of planned sewer and water main routing, both on-site and off-site, with existing main sizes and expected main sizes. Labels shall be included regarding plans for the dedication of improvements.
- 10) Off-site and on-site sewer and water infrastructure shall be designed and constructed to County standards. In addition:
 - a) Existing water and sewer lines lying outside the project that need to be upgraded to serve the project shall be completed at the developer's expense, as determined by the Public Works Director.
 - b) Any sewer lift station upgrades needed to serve the project shall be completed at the developer's expense, as determined as necessary by the Public Works Director.
 - c) Any additional water main segments needed to meet looping requirements shall be installed at the developer's expense, as determined as necessary by the Public Works Director.
 - d) County sewer and water infrastructure shall be extended to the point of departure for the river takeout site, and individual service shall be extended to the takeout site.
- 11) Changes to the project materials shall be made for compliance with Churchill County Code (CCC), including but not limited to:
 - a) Documentation of compliance with the Multi-Family Development standards in CCC 16.16.020.8(I)
 - b) Documentation of total required parking and ADA parking spaces.
 - c) Documentation of sign area.
 - d) Water dedication requirements shall be met before Final Map submittal.
- 12) Tentative map shall be modified to reflect any changes required by the County Surveyor, including but not limited to the following:
 - a) Changes to clearly illustrate/document proposed abandonments.
- 13) All open spaces must be landscaped in substantial conformance with the approach provided in the submittal materials.
- 14) The two school bus turnouts requested by the Churchill County School District, currently shown on submittal materials, shall be installed with construction of the interior loop road.
- 15) Any changes in layout or construction recommended by the Fire Marshall shall be implemented.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Public Works Director Spross made the presentation as outlined above. He said 60% of households in Fallon are being rented. In Churchill County, 21% of households are renters. In 2019, a new single family residence cost a median price of \$272,000. In 2021, it cost a median price of \$302,000 to \$600,000. That is an increase of 11% for new construction. An existing single-family residence in 2019, was \$240,000 and, in 2021, it jumped to \$285,000. That is an increase of 19%. Manufactured homes, in 2019, cost a median price of \$188,000 and, in 2021, \$259,500, which is an increase of 38%. Single family rental, in 2019, rented for \$1,350 a month

and, in 2021, it is up to \$1,850 a month. That paints a picture of where we are in housing. The 2020 Master Plan details goals for increased housing supplies. Our goal is to ensure the availability of higher-density single and multi-family lands are consistent with the demands generated locally. Our policies are annually reviewed for the needs to zone additional land for multi-family use and make a recommendation to this board. Another policy is to encourage higher-density single and multi-family developments in the portions of urban areas that can best support urban development. To paint a picture of where we are, in December of 2021, the county solicited an RFP from developers to purchase and develop property for multi-family housing. The county received one proposal from Vertex and entered into the agreement. In March of 2022, the county approved a new R-3 zoning designation to limit the number of units per acre for multi-family development. In July 2022, the county applied for and was approved to change the zoning to R-3, which would allow up to 16 units per acre. Applications for this project were received in August 2022. The project was agendaized for the December 14 Planning Commission Meeting. There are three recommendations required for this development. A Special Use Permit, a Tentative Subdivision Map, and a zero-lot-line variance. The Special Use Permit and the variance were decisions made by the Planning Commission, which were both voted on and the project was denied on a 4-0 vote, which are now in front of this board for an appeal. County staff has been working with the applicant and stands by the recommendation to the Planning Commission to approve the development. The recommendation is based on the criteria review of the findings and the conditions outlined on the staff report. The conditions should be included as part of the approval.

Clayton Trapp, Director of Planning, Phelps Engineering, said I represent Phelps Engineering as well as Vertex, the applicant. They are also represented by Tom Ernst. The Riverstone development is generally located on the north side of Coleman Road, east of US50. I would like to just briefly go over what we would like to do. We will look at the response to the RFP from the county, the overview of our development, the Special Use Permit Application, the Tentative Subdivision Map and the variances and the reason for that. We will do a summary on the Traffic Study that was done and a quick conclusion and wrap-up.

Vertex was chosen on December 5, 2021. The specific reason was to fulfill the county's need for the development of multi-family units. That comes from the housing study that was done by EKAY Economics. In that RFP, the county will work with the developer to realize the project making sure it comes to fruition. The county will rezone the property to R-3, which will accommodate multi-family units. The developer will purchase the land from the county and will make lands available for parks, enhance the roads, and increase traffic safety measures. The developer then makes the county a voting member of the HOA via the parcel that will be located on the northeast corner of the property that will be used for access to the river. Our submittal for applications include the Special Use Permit Application, the Tentative Subdivision Map, and the variances and the reason for that.

For the overview of this upscale community, we would like to emphasize that this is very much unlike what you have seen for a long time. With respect to the previous applicant's presentation, I do not believe it has been 20 years since an apartment complex was put in Fallon, I think it was closer to 40 years. The community is designed for 444 units. It includes very active and passive

amenities. The county code regulates that you need to have an amenity for every 50 units. We have 444 and it is rounded up to 9 amenities. Those are going to have a clubhouse with workout facilities, pool, beach volleyball courts, sport courts, picnic areas, perimeter trail systems, playgrounds, dog park, and enhanced landscaping with perimeter fencing etc. It also has a Moody Lane connector for future northern connections across the Carson River, a dedicated parcel for county use and we also have bus stops incorporated with the development itself and that would lend itself in the future with the county bus system to be able to make it multi-molded use.

A Special Use Permit is required under the Churchill County Code. It states you need a Special Use Permit for all multi-family and R-3 zones, specifically five or more units, which we have. The Riverstone Apartments complies with this. It complies with all county code and environmental health concerns. It takes into account water and sewer availability and maintains and increases roadway levels of service through NDOT and state and through international transportation engineers' requirements. We propose enhanced measures on site, as well. It also needs to make availability and be adjacent to or nearby public services such as fire and police.

Our Tentative Subdivision Map is very specific. We are talking about 19 individual lots. Each lot has a building on it. It is meant to be flexible financing. It takes a lot of money to build a project of this nature. It allows for us to do a merger of the 2 parcels that are there and then resubdivide. The way that is structured and designed is also important for maintaining separation between buildings that preserves code, makes it more uniform, and it gives community appeal. It is not like barracks or any other project that might go on where you see rows upon rows of buildings. It takes into account sun aspect and all the things that are important when you are looking for a room with a view, so to speak.

We have a variance request specifically for density and setbacks. We need this because the R-3 zone requires minimum setbacks and minimum lot size standards. The minimum parcels are 8,000 square feet for R-3 zoning. The density is 16 dwelling units per acre. The minimum lot width is 50 feet. The minimum distance between buildings is 20 feet. Maximum building height is 35 feet and the front and rear setbacks are at 20 feet. We need to ask for a variance for when we put a lot property line around our buildings; we have 5 foot setbacks. That makes it clear between ownership and what is commonly maintained. We are asking for a minimum setback of about 5 feet. If we did not have these parcel lines around each building, we would still be compliant with the 16 dwelling units per acre. We are not asking for bonus density. We can have that density below 16 if we can incorporate all of the parcels rather the individual parcels.

You have, as part of your packet, our Traffic Impact Study. Riverstone is projected to generate 2,993 vehicle trips on a typical weekday, 178 vehicle trips during the AM peak hour, and 226 during the PM peak hour. The recommendations from that study are to build a portion of the Moody Lane/Coleman Road connector as required for access to the site. Install auxiliary lanes and safety improvement at the new intersection of Coleman and Moody. A cross section of the connector includes an 80-foot public right-of-way, a 36-foot pavement width, a 10-12 foot center median, a 4-foot graded shoulder with natural drainage on the side, and a multi-use trail to allow for pedestrian and bike traffic. The intersection at Moody Lane/Coleman Road maintains a

level of speed of 35 MPH and then it also widens the existing pavement, installs eastbound left turn lanes and westbound right turn lanes, westbound acceleration lanes, and gives edge line and 4-foot graded shoulders. We would like to enhance the safety at Moody Lane/Coleman Road intersection by installing lighting just to illuminate the area. Install a raised median on the east leg. This separates the eastbound/westbound vehicles, which reduces crashes. It provides for future enhanced pedestrian cross locations. We do go into a little bit of traffic at Coleman and U.S. 50 and we can talk about that if you need to. What we have done is provide, for Fallon, upscale units, which are desperately needed. We have multiple amenities within that. We are not building something that is meant to just put people inside them and say now you have a place to live. We provide housing that is needed and studied and recommended by the housing study. We construct a portion of Moody Lane and the Coleman Road connector, which will eventually extend the Carson River. We give the county access to the Carson River of approximately .75 acres for river access. The improvements will maintain safe operations on Coleman Road into the future. These fulfill all of the objectives for the future for the RFP. I don't want to over-emphasize but it is important. We are here because we were chosen by the county to work with them to make sure this property was developed according to your needs. It was changed according to your needs and recommendations. We are representing the developer that does high-end. We don't want to put in stuff that does not appeal to anyone. How do you get people to come into places like that? We are here specifically because the county chose us to make sure this happens and that is our desire and thank you.

Deputy District Attorney Joseph Sanford said I just want to remind everyone this is public meeting and I would ask everyone not to do anything that is intimidating. There has been a lot of clapping and things like that. That can be considered intimidating for anyone who may have an opposite viewpoint. Anyone who wants to make a public comment will absolutely have that chance but if you would not do anything that people consider intimidating, we would appreciate it. Chairman Scharmann said I think the last group was pretty cordial but it got a little heated when some of us made our comments but let's try to keep it civil.

Michael Reese, Verona Drive, said I have been a resident for 31 years. He said they are upscale apartments. Can we get an estimate on the average rental fees or costs per unit? Tom Ernst said it is going to be market rate units, so we will have to adjust the market because we are in the competitive business. There will be one, two, and three bedrooms and until we do our development costs, we won't have an exact number. It will be market rate similar to other developments in the region. Michael Reese said my wife and I are here to voice our opposition to the complex. It is primarily focused on the inadequacy of Coleman Road to support the increased traffic this will cause and safely coexist with bicycles and pedestrians. We, and most of the people present here today, see Coleman Road as a hazardous drive, particularly at night for several well-documented reasons. There are no lights, no striping, people exceed the posted speed limit, no space exists for bicycles and pedestrians, and there is no shoulder space available due to the canal and the drop-off that borders the north side of the road. One wonders, where do the cars pull over for emergency vehicles when the Sheriff conducts the duties that he performs. In June of last year, the Planning Commission admitted that the widening of Coleman Road or deceleration lanes would depend on what the final project would look like. They said we would not be here if we didn't think this was achievable. The county continued in saying that we don't

know what we don't know. Okay, where is the requirement in today's proposal to develop a level of widening of the road and where is the completed comprehensive study to address what we don't know available to the public? In December, at the Planning Commission Meeting, Vertex's own engineer said the traffic on Coleman Road would increase 87% and later said Coleman Road presently does not meet minimum standards. Let's review the facts as we know them. Traffic on Coleman Road is going to increase. The engineer states Coleman Road presently does not meet minimum standards. The county acknowledges some work on Coleman Road needs to be accomplished but has not put forth anything to address the issue that we know of. Some will rightfully say that, due to the canal and other limitations, Coleman Road cannot be widened. As a community, we should strive to acquire more than the minimum standards to ensure the safety of its citizens and its obligation of the county, the Planning Commission and the Commissioners, to submit an approved project that will benefit an entire community based on comprehensive studies and accurate forecast of those and it is all of us who are left to deal with the unintended consequences of approving high-density housing projects without requiring proper upgrades to all of the infrastructure, which include fire, police, sheriff, hospital space, grocery stores, and the rural road system in our county. The Planning Commission agreed with the people of Churchill County and voted 4-0 to reject the project. You must vote to stop this project in its present form and then direct the county to go back to the drawing board to complete the necessary planning, community planning, incorporating traffic and projected growth studies for small scale complexes in and around the county that our rural roads can accommodate.

Brett Cashill said Mike just outlined the traffic problem I have a concern with on Coleman Road. Do we have any estimate of like how many children will live in these apartments? Is there some kind of a study? Chairman Scharmann said they talked about bus stops and things like that there at the development but I don't know how you could estimate the number of children. Tom Ernst said it is difficult. What we do now is we have a mix of one, two, and three bedroom units. The one bedroom units make up the majority, which are 60%, is what we designed because of what we thought the demand was. That is what the market told us. There is very little data available for that. We did some unique triangulations to get to that number. With one bedrooms I would assume there would not be a lot of children. We do have bus stops and trails. Brett Cashill said I think there is going to be a lot of children and we are going to stick them right between 2 canals. We already have problems with canals here. High-density housing right there, I am against it. I want you guys to know it. I would like you to take that under consideration. It would be a perfect development to put out by the base. There is plenty of room out there. It would not be bothering Coleman Road or traffic. There are just so many things in our county and we are not ready for something like this. That would be my concern.

Carl Erquiaga, 1625 Golden Parkway, said I was asked to read a letter from one of my neighbors who could not make it today. Before I do, this seems like a very unusual way to handle this. Maybe Joe can shed some light on this. Wouldn't there be public comment after each of the 3 items that are on the Agenda? And where is it in that process is it appropriate to talk about our concerns versus the appeal. Deputy District Attorney Joseph Sanford there is a chance for public comment before the vote on each item, each specific item. If you want to address the different pieces and different places, go for it. We have allowed you to make comment about all of the

pieces at once if you would like but, if you just want to do it at the item at issue, which is item D, then now would be the time for that. Carl Erquiaga said I have just never seen an appeal to overturn and then follow it up immediately with retaking the action that the Planning Commission but I doesn't matter. I will read my letter first. This is from Mr. Gale W. Strong who lives at 2005 Coleman Road in Fallon. "To the Churchill County Commissioners, to whom it may concern. I am writing to address the proposed apartment complex called Riverstone located off of Coleman Road. I am a longtime resident of Churchill County and have resided at my residence for 26 years. I have had sheep and cows over the years at my property. I am concerned about the amount of people who will be residing at the Riverstone property next to me. I understand there will be 441 units and that high-density concerns me greatly. The amount of people and traffic that will be generated from that population increase creates dangerous traffic and overall impact. For example, I had an accident in my front yard as recent as December 31, 2022. The road is narrow, there are no lines, no designated lanes, the embankment is unstable, in addition to the location of the canal. The individual ran off the road into my front yard to avoid a police emergency coming up from behind and was not aware of the narrow unstable road conditions. Although no serious injuries resulted, it is an example of the poor road conditions on Coleman Road. With the additional traffic, more citizens will be in danger and the road can't support that many cars. I am also requesting a large cinder block fence in the event any development is considered. I need to separate my farm from the residents of the complex and make sure the residents of the neighborhood stay safe." Sincerely Gale W. Strong. Mr. Erquiaga said I have a question of my own. Upscale high-end rental apartments, that sounds a little bit like jumbo shrimp to me. Seriously though, I don't see that any of the concerns I expressed at the Planning Commission were addressed before we came here to try to reverse the Planning Commission decision. I raised questions about the structural integrity of Coleman Road. I don't think it is there. I think Mr. Strong's letter affirms that. It wasn't too many years ago there was a sink hole that developed in the middle of Coleman Road just east of Venturacci Lane. It turned out that, in its construction day, someone had buried a large tree and the tree rotted away. We have no idea what is underneath the rest of that road. There is the potential for more sink holes in the future. I will probably come and speak again. Thank you.

Rosemarie Bracher, Country Club Drive, said I talked at the Planning Commission meeting and our children are planning on moving here and this is not the dream home neighbor that they envisioned as far as the vision goes. This is not anybody's vision that lives in the county. R-3 zoning doesn't belong in the county. I am sorry that it passed but that is water under the bridge, literally. I would like to point out that the map is not to scale. You have an 80 foot road called the Moody Extension coming onto a 40 foot road but the map doesn't reflect that at all. As far as lighting being a consideration. That is against the county ordinance. I live on Country Club Drive and the lighting on the storage units are not county ordinance so that is why I know it is from our milky way at night. It shouldn't be there. It shouldn't be a consideration. I would stress, like everybody else has stressed, that the Planning Commission voted against this 4-0 and I would like to emphasize that.

James Sterling, 2020 Verona Drive, said I have not heard one thing today that has brought your decision making from the Planning Commission meeting to change it. I have not heard one thing that is positive. I have heard a lot of things that are not known. They are going to have 444

apartments. How many of those are going to be occupied by meth users? How many of those are going to be occupied by people that have more than one car? Husband, girlfriend, husband, wife, they are all going to have vehicles if they are going to get to work in Fallon. They are going to have to get to work, so that means the traffic engineering report that was here last month was completely out of line because nobody took into consideration what can happen from a decision like that. My wife and I moved here 2 years ago because we fell in love with Fallon. It is known as the Oasis of Nevada. Nobody else gets that title. We get it and we get it because we have good people. Good people surround us all the time. Another thing that has not been mentioned by the developer is what level of pride of ownership is there in a rental unit? There is none. For 10 years I was a Senior Code Enforcement Officer for a rural city in California. After 10 years, we tore down 3 apartment complexes and shut them down as public nuisances because of drug activity, criminal activity, and also sexual abuse activity. West Capital Avenue in Sacramento is nothing but a board of prostitution and has been for a long time. We have a right to expect the community that we made our home here to not be like other areas where they have had problems. Let's learn from our history. Apartment complexes are not a good idea. You cannot guarantee who is going to live there or what their activity will be. We have pride of ownership. We have tremendous people here in Fallon. I am amazed and so happy to be a part of it and you are going to put 440 units within visual site of people who have worked hard to get their homes. Let's take a deep breath. We are in the Oasis of Nevada. Take a deep breath, smell the roses. Let's make a decision that doesn't allow this to go forward again anymore. It was shot down last month, please, you already passed one apartment complex, let's kill this one. It needs to be done.

Beth Reese, Verona Drive, said I have some questions about the traffic and I hope the developer or someone from the county can address those. They are showing improvements going in and out of Coleman Road where this complex is going to be built. Are you going to fix all of Coleman Road and make that safe for everyone or just right by the complex? No one has really addressed from the railroad tracks to Venturacci Lane. Is there going to be walking or biking paths that everyone can use or just in and out of the complex? Chairman Scharmann said we are discussing Coleman Road and we have been for quite a while now. Not just to Venturacci Lane but all the way to 95 because we know that, even if this project didn't pass, we needed to do something with Coleman Road, okay. Those are the things we are looking at now. Different approaches on how to widen the road. Beth Reese I am glad to hear that. My concern is that you are going to do this development without fixing the road first and then we are just going to have to continue living with this very dangerous situation. My husband and I ride our bikes all summer and we didn't ride last summer because it is so dangerous on Coleman Road to get over to Venturacci Lane or out into the county where it is safer to ride. We literally were taking our lives into our hands each and every time we got on our bikes. Anything you can do to make it safer for us, we would appreciate.

Steve Cathy, Hunter Park Way, said is this going to be hooked up to like the county water thing or how are they going to do that? How are they going to get the water there? I am not concerned about it. I just didn't know if they were going to like bring in a county system like they did. I used to live on Dallas. Deputy District Attorney Joseph Sanford said it will be county water. Steve Cathy said I don't have a problem with Coleman Road. I am good with it.

Justin Ibarra, 1765 Coleman Road, said the traffic is a huge concern. I have been living there for several years. My parents have owned the place and that road is so dangerous. I have been turning left into my house and been passed by people on my left before that were going 50-70 miles an hour. It is incredibly dangerous and I think that needs to be fixed before we put any development in there. Jamming as many people as we can into a tight area is probably not the best solution to the housing problem. How far until we are building 4-5 story apartment complexes to address the housing issue? I live next door and I don't want to have to look at a bunch of people. I wouldn't have bought the property if I had to look out at a bunch of people forever. I don't mind people going in but it needs to be done in a better way than this. If you drive down Coleman Road and look at that pasture, it is 30 acres of pasture just sitting there. Imagine 19 buildings stuck on that little pasture. It doesn't fit. This is all being built on farmland. Land that has been being farmed since I moved here and we are just going to cover it in concrete. I understand that it is difficult to bring infrastructure out further from the city but I think there is a better approach to this.

Public Works Director Spross said, when we get an application such as this, we distribute these plans to all the other departments. The Sheriff, the Fire Department, the School District gets a copy and everybody gives us their comments. I heard some comments with regards to children and schools. We have a letter from the School District and the only thing they requested was a bus turnout. They didn't say that this was going to tax our teachers or we need bigger classroom sizes. All the appropriate departments are being contacted and comments are requested. The Sheriff had some comments and it was more along the line of the naming of the roads as to not confuse emergency vehicles. There are a lot of roads that start with river and you can actually end up on the wrong side of Rivers Edge. There are a lot of comments that are received from other departments.

I want to address the traffic study. We received 3 traffic studies from Phelps Engineering. I am not a traffic engineer, so I took that traffic study to an engineer for his review. I received his comments back and furnished those to Phelps Engineering and they redid their traffic impact study to take into consideration the comments that were made. I wanted everybody to be aware of that. Chairman Scharmann said I was right, wasn't I? We have been talking about Coleman Road. It is a very, very big subject for the county right now. Director Spross said yes, we have been.

In terms of the lighting, there was a comment made regarding that and I remember the storage building that was commented about. That storage center had a code compliance issue issued against them and they are working on resolving that and have made some progress. We don't have an ordinance that says you can't have lights in the county. We have an ordinance called a Dark Sky Ordinance, which means they have to be shaded and have to be pointing down. They can't point into traffic or into windows.

There were some comments regarding the road and the competency of that road. Back in 2004 the county put out a project to reconstruct that road. The section of the road from Williams to Venturacci Lane was a complete removal and replace with asphalt and the section from Venturacci Lane to Hwy 50 was an overlay that was done. That was in 2004. I understand there

has been a lot of traffic on it. The road is still holding up fairly well. The bridge on Coleman Road was inspected by NDOT and the Road Department has all that information and that information is available. I am not here petitioning for anyone, but there is a lot of talk of farmland. Yes, there are 30 acres that are there that are now potentially going to be apartments. If you took 444 units and made them all single family homes, you would be taking up a lot more farmland than 30 acres. Not only that, by having multi-family units, you actually use less water because the dedication for an apartment is less than for a single family home due to irrigation and things like that.

Tom Ernst said they talked about Coleman Road a lot and it needs to be upgraded at some point. The county is working on that. We would not have entered into an agreement if we didn't think that the county would put forth a plan. This is a 4-phase apartment development, so we are not having 444 people come this year. It will take 2-3 years before a full buildout and that gives us time to make sure we are addressing Coleman Road to the best of our abilities.

I also want to talk about the quality of the residents. This is one of the largest residential investments in Churchill County that I know of. Because of that, lenders, investors are not really available to come to a rural community and just do the first apartment development. Thank you to the Navy base for helping us with those discussions and the Commissioners and whoever we turn to, to talk to and say look, we have a plan, we are reasonable people, we need to grow, here is why, here are the demographics, here are the companies coming to town and we did a great job. All of us together did a great job of attracting a substantial amount of capital to come to our community for residential purposes and we are proud of that. Keep in mind that the apartment business is not like other businesses. They work on very thin margins. We have to do our best to keep our tenants to a responsible scale and we have to do our best to maintain the roads, parks, the grasslands. We have to attract people. We are an experience based multi-generational apartment business. We have to make money. We have fiduciary responsibility to put money to the bottom line on very thin margins. It is not easy to do, so we, as many other apartment complexes in Nevada, do background checks before a tenant is allowed a lease. We will do a credit check and background check, so we are getting the right people in the right places. We are doing that because we want a high-end respectable neighborhood where people can grow. Private ownership is an interesting concept. Not all people can buy a home, so what do you do with them? You can't kick them out. You have to give them a steppingstone for ownership. You talk about multi-generational with high school not being able to have a place to live. When I say we are in the multi-generational housing division, I am proud of that because we found an area we can focus on. We have kids who are leaving home or empty nesters who want to stay closer to the kids. We find, if we focus on that, we are really good. It is experience based. Once again, we are a business and we have to attract people and offer them the best experience we can. We are very proud of what we do and how we do it and we are very excited to move forward in Churchill County and provide an experience based multi-generational apartment development.

Clayton Trapp said you have a difficult task with all of this. It is only natural for people to say this is not going to be a good thing and we understand that. That is why we adhere to all of the county codes. We are very limited on how we can do things. We have to do it all within the parameters of engineering standards and planning, according to NRS statutes, and we are held to

very high standards. Mr. Ernst said, they work on very thin margins, while providing something people want to stay in. The fact that we have multiple traffic studies, one gentleman mentioned that it increases 87% and the numbers don't match up. If you understand the numbers, they do match up. If we increase our traffic by 87% with this buildout, which will happen in 3-4 years, that is all taken into account. If we increase by 87% and we are at 15-16 capacity on Coleman Road, currently, without any improvements that we are talking about doing, we only increase it to 32% of capacity, so those numbers do match up. We are well within the parameters that NDOT and that the county code and even your own Master Plan and every thing that the county does, we are well within those margins. We know how to do that. We have been doing it for a very long time. Chris mentioned the dark sky compliance. Our recommendation for lighting was just a suggestion. We don't have to do that but somebody wants to have a lit intersection so we know what is going on. People need to be aware that, if you are coming south on the new proposed Moody Lane, there is a canal you are going to go into if you go too far. We need to warn them somehow.

With the private ownership, you are at 31% of those who rent within the county because they cannot afford to buy for whatever reason. I would like to thank you for your time today and we honestly know that this is difficult for a county such as yourself that is growing so quickly. We think we have done it within the parameters that are set and we look forward to working with the county.

Commissioner Myles Getto said can you go over the intersection of Highway 50/Coleman Road/Casey Road. Clayton Trapp said currently, you have an existing traffic condition where it has a protective left turn phasing. That means it has a green light. You can go on a green light. That is pretty simple. The current peak AM and PM puts you at a level of service C. NDOT standards are a minimum level of service D. If we increase the traffic with the proposed conditions 3-4 years from now, then we would put that level of service at D and that is with the protected left hand turn, a green arrow. That is the minimum standard for NDOT. If we were to make it a permissive left hand turn meaning you have green but you also have yellow, where when everybody else is going through and there is a clear shot, you can continue to go left. That takes it back to a level of service C and that is a recommendation from the traffic study.

Chairman Scharmann said what kind of fencing are you going to have between the private property owners and your development? Clayton Trapp said we will continue to work with it as this is a development; there are certain standards. With a PUD, you have to show everything up front and say here is what we are going to do with everything. With a Tentative Subdivision Map we don't have to show all of that. Sometimes we do put up concrete fences or, we don't like cinder block fences, I think they are kind of cheap looking myself, but sometimes it is a privacy fence and sometimes, according to your standards you have a 50% transparency, which means it has to be see-through on some of the stuff. What we would propose would be what would be recommended by the county. We can make that a really nice fence or just bare minimum. We don't like the bare minimum. Every body likes a good fence. Where I come from good fences make good neighbors.

Mary Sterling said I still don't agree with their percentages on traffic. They are going to add a

minimum of 400 vehicles to possibly 800-1,200 vehicles if there is 444 with 2-3 bedrooms. They have a child who is of legal age driving and will most likely have a car. That increased it another car. The intersection of Highway 50/Coleman is dangerous now. Allowing people to make a permissive left hand turn on a flashing light and you have traffic coming from Casey Road from the apartment complex that you have just approved, you are doubling that traffic there, as well. You are going to have more accidents. I have seen probably 4 accidents at Casey or Highway 50/Coleman in the last 3 months, at least 4. This is not going to work. The lanes approaching Highway 50 from Coleman Road with the railroad tracks there, you can get 2 maybe 3 cars on the other side of the track for the light before you hit the railroad track and with this amount of traffic you are going to end up making at least 3-4 light changes before you can get through. If this is because it is being built because of the base, the morning and PM traffic is going to increase tremendously because those people at the base come and go at all hours of the day and night. Their estimation of traffic is way off. The housing at the base is not at 100% all the time. It is at 100% when they have squadrons coming in. That is a misconception, as well. This is not a good project. Coleman Road cannot take even the amount of construction traffic that it is going to take on that road. Those are heavy equipment and Coleman Road cannot support that. You are going to have more people going into that canal. Currently, I see kids playing on the bridges going across the canal in the summertime trying to swim. With kids in those apartments, you are going to have children, unfortunately, die. They are going to play in that canal and they are going to drown. I do not want this complex. Thank you.

Chairman Scharmann said to Carl Erquiaga, since you have already been up here, I am going to give you one minute. Carl Erquiaga said thank you. I really didn't anticipate that I would get a second chance. I am glad the gentleman brought up the part about the protected left and going to a permissive left. So, as I understand it, we don't meet the requirement now for what we have. To make it safer, it is a protected left. It is still a difficult intersection. So, their answer to put more traffic through that intersection is to make that a permissive left. So, in other words, they are going to make it less safe in order to get more traffic through. That is absurd.

Michael Reese said you talked about the road being structurally sound. If you go to Venturacci Lane and Coleman Road, you will notice that last summers convoy of belly-dumps from west of town to east of town has broken down that road. Thank you.

Chairman Scharmann asked if there was any further public comment but there was none.

Commissioner Justin Heath made a motion to overturn the decision of the Planning Commission, and to approve the special use permit application for Vertex Fund 3, LLC, to authorize a multi-family development on APNs 008-301-11 & 008-301-12. This approval is subject to conditions as listed in the Staff Report. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: An appeal of the Planning Commission's denial of an Application for a variance from the lot density and all setback requirements filed by Vertex Fund 3, LLC (Riverstone Apartments), for property located on Coleman Road, Assessor's Parcel Numbers 008-301-11 and 008-301-12, consisting of 5.20 and 26.24 acres respectively in the R-3 zoning district. The applicant proposes to create 19 lots within the

large apartment complex property using a nearly zero-lot-line development approach.

History of Site:

These properties have been in county ownership for over 5 years. They were acquired for two reasons. First, they are at the best point of a new river crossing for a new north-south traffic corridor that has been planned for nearly 20 years – being the extension southward of Moody Lane, connecting to Allen Road or other streets into the City of Fallon. Second, the problem of getting builders to provide adequate multi-family development caused the county to find ways to initiate such development on behalf of the community.

During these years, the county has been progressively taking steps to bring these two projects to fruition.

- Purchase of the properties.
- Undertaking a recruitment process to entice a developer to undertake a project.
- Undertaking planning and funding efforts for the bridge and utility improvements.
- Extending the utility service area to the site and surrounding lands.
- Establishing a new zoning district that would support an apartment complex.
- Rezoning the property to the new R-3 zoning district.
- Working with the project applicant towards sale of the property and permitting of the project.

The applications are the end stages of the apartment project and a step toward the Moody Lane extension. After land use permits, the remaining steps will deal with implementation and construction.

Permit Applications:

There are three land use permits involved with this application; two of them result from an unconventional approach the developer has toward the projects.

- Special Use Permit: Churchill County Code (CCC) limits the location of large multi-family developments to either the R-3 zone, as applicable to this project; or incorporated within a Planned Unit Development. When allowed, Churchill County Code requires that all multi-family development be reviewed through a Special Use Permit.

- o Conventional apartment complexes would not need additional permits. They would be built on a single large property under a single owner. For this project, the developer is using an unconventional approach that will (a) include a subdivision to place apartment buildings in the complex on their own lots, and (b) using a zero-lot-line development approach for those lots. The large remaining area will be the common area managed by a Homeowners Association (HOA) composed of all the building owners.

- Variance from lot density and all setbacks: Extensively developed jurisdictions normally have provisions to allow a zero-lot-line development approach. Churchill County does not have such a nuanced code (except through a Planned Unit Development). Thus, doing a zero-lot-line development needs a variance from normal setbacks and lot density (based on the small lot size). Note that such standards are met when considering the larger property.

- Tentative Subdivision Map: The factor that causes the need for the variance is that each apartment building will be on a separate lot using a zero-lot-line development approach. Creating the building lots is accomplished through a subdivision. The state's subdivision laws specifically establish the Tentative Subdivision Map stage, and the Final Subdivision Map stage.

After a Tentative Subdivision Map is approved, it is followed by a Final Subdivision Map. As a general rule, the requirement is that the Final Map “substantially complies” with the approved Tentative Map. The Final Map is also reviewed by the Planning Commission, who makes a recommendation to the Board of County Commissioners (BOCC). However, this “Final” stage is not subject to extensive noticing provisions (neighbors and newspaper). Normal public meeting noticing is provided. The “final” approval is to ensure that code requirements and conditions of approval have been met before recording the map.

- o An important point is that a Tentative Subdivision Map is a PLAN and is not intended to be unchangeable or designed to construction detail. Some adjustments, shifting, and minor changes are allowed in the final designs.

- o Note that the normal process for a land division review is for the county to perform a detailed review of the map, make “redline” correction notes, and have the developer revise the map for the Planning Commission meeting. For this project, staff has performed the “redline” review. However, the applicant has not been able to make revisions due to the unexpected unavailability of their surveyor. Staff recommends that the Tentative Map be revised for conformance with Churchill County Code and requirements in the conditions of approval.

- Supplemental Materials: The submittal includes the normal materials for the permits, as well as the additional materials below:

- o Preliminary improvement plans - These plans are normally submitted between the Tentative Map and Final Map stages. However, the applicant has been working on them and provided them for informational purposes. They provide additional detail about the apartment plans.

- o Traffic Study – required for large projects.

- o Drainage Study – required for subdivisions and projects with extensive land coverage.

- o Geotechnical Report - required for projects building roads.

Summary of Project:

The details of the project are found in the submittal materials. A summary of the primary elements are provided below.

- Two properties: The two adjacent properties total 31.4 acres. These two properties have lot lines and utility easements that are intended to go away. State law allows this through the Merger and Resubdivision provisions, without going through additional processes.

- No Phasing Plan: The project’s entire infrastructure will be implemented in one phase and then the lots will be created. After that, the developer can build apartment buildings and common facilities at their desired pace. Note that, if the apartments and common facility are not constructed in a timely manner or are only partially built, the Special Use Permit could expire and need to be resubmitted.

- Apartments are proposed at the maximum density in the R-3 zone of 16 units per acre. The submittal plans for 444 units. There are 17 apartment buildings, mostly 3 stories in height, each proposed on its own lot using a zero-lot-line development approach. There is also a clubhouse on its own lot, and a rental office on its own lot, resulting in a total of 19 building lots and additional open space lots.

- Multi-family development is subject to specific requirements in the CCC 16.16.020.8(I).

- o The applicant proposes the maximum density in the R-3 zone of 16 units per acre, though the final number may have to be adjusted.

- o 20% of the site must be in landscaped open space. The submittal appears to meet this standard, though submittal materials use the wrong calculation in a table.
- o Open space amenities must also be provided and can be placed in the open space, as is proposed in the submittal. These include trails, picnic areas, children's areas, clubhouse, etc. The open space landscaping and common areas are proposed to be maintained by the HOA.
- o Livability facilities such as a patio/balcony, laundry, and trash collection are proposed.
- o Adequate parking must be provided, and the submittal indicates at least 1.5 parking spaces per unit (666 spaces) will be provided in a non-assigned parking environment.
- County River Takeout Park: For a long time, there have been park plans to establish river floating facilities on the Carson River. The upstream "put-in" was obtained long ago near Sheckler Road but the "take-out" has been difficult to make happen. One of the elements of the sales agreement was to implement a river takeout point at the future bridge location for Moody Lane. The submittal shows the conceptual plan for this facility, which will be located next to and under the Moody Bridge.

There has been discussion between the applicant and the county regarding specific facilities to be included in the park site. However, the submittal materials are somewhat vague. Staff recommends the following specific items for clear expectations of the constructed facility: (a) approximately 2/3 acre of land dedicated to the county that includes the park and bridge areas; (b) an all-weather restroom building with 2 restroom spaces and connections to community sewer, water, and power services; (c) a paved parking area for approximately 20 spaces, with accessible spaces and security lighting included; (d) an ADA accessible pathway from the water line of the Carson River to the parking lot; and (f) slope stability treatment where needed. The park would be transferred to county ownership after construction.

- Traffic and Access

- o Primary Access and Major Roads: There has been extensive discussion with the applicant regarding road improvements. The project has performed a Traffic Study. It and the proposed road improvements can be found in the submittal. It recommends: (1) Construction of the Moody Lane segment south of the river extending from Coleman Road to near the bridge location. This road will also be used to access the internal loop road. (2) 3 auxiliary lanes for turning movements at the Moody Lane/Coleman Road intersection. These are located to place the extra needed road width along the property frontage. (3) A pedestrian bridge crossing over the Coleman Road canal to Regan Place.

- o Minor Access: The interior of the apartment complex will be served by a minor access loop road with two points of access on Moody Lane. In addition, there will be access easements for parking lot driveways throughout the project.

- o Pedestrian Access: Pedestrian facilities are proposed throughout the project and on adjacent streets (including trails). None are proposed off-site.

- Water and Sewer Service: The project site is east of the Onda Verde subdivision, the nearest point of water and sewer service. The county's water and sewer system mains in Verona Drive are about 1000' from the project boundary and the developer proposes to extend the system to the project site. Service mains will extend throughout the site and will be extended north in Moody Lane for future extension across the river.

- Stormwater: The applicant has provided a drainage report for dealing with stormwater. The concept is to mainly use surface drainage, though subsurface pipes may sometimes be needed. This would include sheet flow, street gutters, landscape swales, and roadside ditches for routing

water to detention basins placed along the north and south edges of the site. The applicant proposes to design and landscape them to contribute to the open space.

A copy of the Staff Report for more detailed information and a copy of the excerpt from the Planning Commission Minutes, including their decision for the Special Use Permit, are provided.

Recommended conditions:

- 1) The maximum number of apartment units is limited to 444 units. The actual number of units shall be adjusted to meet calculations limits in Churchill County Code.
- 2) The Tentative Subdivision Map and other materials shall be updated within 60 days to add details for compliance with Churchill County Code and reflect requirements of these conditions of approval to the satisfaction of county department heads. Disputes shall be resolved by recommendation of the Planning Commission and approval by the BOCC. Failure to update materials in a timely manner will require reconsideration by recommendation of the Planning Commission and approval by the BOCC.
- 3) The Final Subdivision Maps shall be in substantial conformance with the approved Tentative Subdivision Map. A submittal not in substantial conformance must be approved as a modified Tentative Map by recommendation of the Planning Commission and approval by the BOCC.
- 4) The plan for the handling of each road shall be clearly indicated in the Tentative Map, as described in the Staff Report or determined at the hearing, to clearly state what is to be built and what is to be offered to the county. The proposed easement/right-of-way width, construction standard, and end of proposed road length (where applicable) for each road shall be clearly labeled. All roads shall be shown to be offered for dedication, and drawn based on whether the County plans to accept the offer.
- 5) Additional road improvements shall be provided as indicated below. The Tentative Map and/or handbook shall identify and label such measures.
 - a) Privately maintained streets shall be signed to indicate they are privately maintained.
 - b) Street lighting shall be provided for the paved portion of Moody Lane meeting county standards. Street lighting on other streets shall be determined by the developer. Lighting shall be installed with the associated road improvements.
 - c) Pedestrian safety improvements shall be installed to county standards and as directed by the Road Supervisor.
 - d) Improvements required by the NV Dept. of Transportation shall be installed.
- 6) The river takeout park:
 - a) Shall be constructed with the facilities listed in the Staff Report.
 - b) Shall be offered for dedication on the Tentative Map and the county plans to accept the park with approval of the Final Map.
 - c) Park facilities shall be constructed at the developer's expense and constructed with other subdivision infrastructure.
 - d) Acceptance of the park by the county will be contingent on a 1-year guarantee after construction.
- 7) CC&Rs shall include the following items:
 - a) The county's river takeout site shall be included within the boundaries of the

Homeowners Association (HOA) but the county shall not be assessed fees and the HOA shall not be responsible for site maintenance once the county takes on maintenance of the site.

b) All street lighting and common area lighting shall have power and fixture maintenance costs paid by the HOA.

c) All non-park landscaping shall be maintained by the HOA.

d) Stormwater basins and drainage pathways shall be maintained by the HOA.

e) The interior loop road and all private driveways shall be maintained by the HOA.

8) The Tentative Map's statement of CC&Rs shall summarize the use of the HOA and maintenance responsibilities.

9) The Tentative Map shall include a diagram of planned sewer and water main routing, both on-site and off-site, with existing main sizes and expected main sizes. Labels shall be included regarding plans for the dedication of improvements.

10) Off-site and on-site sewer and water infrastructure shall be designed and constructed to county standards. In addition:

a) Existing water and sewer lines lying outside the project that need to be upgraded to serve the project shall be completed at the developer's expense, as determined as necessary by the Public Works Director.

b) Any sewer lift station upgrades needed to serve the project shall be completed at the developer's expense, as determined as necessary by the Public Works Director.

c) Any additional water main segments needed to meet looping requirements shall be installed at the developer's expense, as determined as necessary by the Public Works Director.

d) County sewer and water infrastructure shall be extended to the point of departure for the river takeout site, and individual service shall be extended to the takeout site.

11) Changes to the project materials shall be made for compliance with Churchill County Code, including but not limited to:

a) Documentation of compliance with the Multi-Family Development standards in CCC 16.16.020.8(I)

b) Documentation of total required parking and ADA parking spaces.

c) Documentation of sign area.

d) Water dedication requirements shall be met before Final Map submittal.

12) Tentative Map shall be modified to reflect any changes required by the County Surveyor, including but not limited to the following:

a) Changes to clearly illustrate/document proposed abandonments.

13) All open spaces must be landscaped in substantial conformance with the approach provided in the submittal materials.

14) The 2 school bus turnouts requested by the Churchill County School District, currently shown on submittal materials, shall be installed with construction of the interior loop road.

15) Any changes in layout or construction recommended by the Fire Marshall shall be implemented.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairman Scharmann asked if there was any public comment but there was none.

Commissioner Myles Getto made a motion to overturn the decision of the Planning Commission and to approve the request for variance from lot density and all setbacks found in CCC 16.16.020.1 on APNs 008-301-11 & 008-301-12. This approval is subject to conditions as listed in the Staff Report. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: A Tentative Subdivision Map filed by Vertex Fund 3, LLC for property located on Coleman Road, Assessor's Parcel Numbers 008-301-11 and 008-301-12, consisting of 26.24 and 5.20 acres respectively in the R-3 zoning District, whereby the Applicant proposes to create 19 lots within the large apartment complex property referred to as Riverstone Apartments.

History of Site:

These properties have been in county ownership for over 5 years. They were acquired for two reasons. First, they are at the best point of a new river crossing for a new north-south traffic corridor that has been planned for nearly 20 years – being the extension southward of Moody Lane, connecting to Allen Road or other streets into the City of Fallon. Second, the problem of getting builders to provide adequate multi-family development caused the county to find ways to initiate such development on behalf of the community.

During these years, the county has been progressively taking steps to bring these 2 projects to fruition.

- Purchase of the properties.
- Undertaking a recruitment process to entice a developer to undertake a project.
- Undertaking planning and funding efforts for the bridge and utility improvements.
- Extending the utility service area to the site and surrounding lands.
- Establishing a new zoning district that would support an apartment complex.
- Rezoning the property to the new R-3 zoning district.
- Working with the project Applicant towards sale of the property and permitting of the project.

The applications are the end stages of the apartments project, and a step toward the Moody Lane extension. After land use permits, the remaining steps will deal with implementation and construction.

The factor that caused the need for the variance, which was approved by the Planning Commission, is that each apartment building will be on a separate lot using a zero-lot-line development approach. Creating the building lots is accomplished through a subdivision. The state subdivision laws specifically establish the Tentative Subdivision Map stage and the Final Subdivision Map stage. After a Tentative Subdivision Map is approved, it is followed by a Final Subdivision Map. As a general rule, the requirement is that the Final Map “substantially complies” with the approved Tentative Map. The Final Map is also reviewed by the Planning Commission, who makes a recommendation to the Board of County Commissioners (BOCC). However, this “Final” stage is not subject to extensive noticing provisions (neighbors and newspaper). Normal public meeting noticing is provided. The “final” approval is to ensure that code requirements and conditions of approval have been met before recording the map.

- o An important point is that a Tentative Subdivision Map is a PLAN, and is not intended to be unchangeable or designed to construction detail. Some adjustments, shifting, and minor changes are allowed in the final designs.

- o Note that the normal process for a land division review is for the county to perform a detailed review of the map, make “redline” correction notes, and have the developer revise the map for the Planning Commission meeting. For this project, staff has performed the “redline” review. However, the applicant has not been able to make revisions due to the unexpected unavailability of their surveyor. Staff recommends that the Tentative Map be revised for conformance with Churchill County Code and requirements in the conditions of approval.

Summary of Project

The details of the project are found in the submittal materials. A summary of the primary elements are provided below.

- Two properties: The two adjacent properties total 31.4 acres. These two properties have lot lines and utility easements that are intended to go away. State law allows this through the Merger and Resubdivision provisions, without going through additional processes.

- No Phasing Plan: The project’s entire infrastructure will be implemented in one phase and then the lots will be created. After that, the developer can build apartment buildings and common facility at their desired pace. Note that if the apartments and common facility are not constructed in a timely manner or are only partially built, the Special Use Permit could expire and need to be resubmitted.

- Apartments are proposed at the maximum density in the R-3 zone of 16 units per acre. The submittal plans for 444 units. There are 17 apartment buildings, mostly 3 stories in height, each proposed on its own lot using a zero-lot-line development approach. There is also a clubhouse on its own lot, and a rental office on its own lot, resulting in a total of 19 building lots and additional open space lots.

- Multi-family development is subject to specific requirements in the CCC 16.16.020.8(I).

- o The applicant proposes the maximum density in the R-3 zone of 16 units per acre, though the final number may have to be adjusted.

- o 20% of the site must be in landscaped open space. The submittal appears to meet this standard, though submittal materials use the wrong calculation in a table.

- o Open Space Amenities must also be provided and can be placed in the open space, as is proposed in the submittal. These include trails, picnic areas, children’s areas, clubhouse, etc. The open space landscaping and common areas are proposed to be maintained by the HOA.

- o Livability facilities such as a patio/balcony, laundry, and trash collection are proposed.

- o Adequate parking must be provided, and the submittal indicates at least 1.5 parking spaces per unit (666 spaces) will be provided in a non-assigned parking environment.

- County River Takeout Park: For a long time, there have been park plans to establish river floating facilities on the Carson River. The upstream “put-in” was obtained long ago near Sheckler Road, but the “take-out” has been difficult to make happen. One of the elements of the sales agreement was to implement a river takeout point at the future bridge location for Moody Lane. The submittal shows the conceptual plan for this facility, which will be located next to and under the Moody Bridge.

There has been discussion between the applicant and the county regarding specific facilities to

be included in the park site. However, the submittal materials are somewhat vague. Staff recommends the following specific items for clear expectations of the constructed facility: (a) approximately 2/3 acre of land dedicated to the county that includes the park and bridge areas, (b) an all-weather restroom building with 2 restroom spaces and connections to community sewer, water, and power services, (c) a paved parking area for approximately 20 spaces, with accessible spaces and security lighting included, (d) an ADA accessible pathway from the water line of the Carson River to the parking lot, and (f) slope stability treatment where needed. The park would be transferred to county ownership after construction.

- Traffic and Access

- o Primary Access and Major Roads: There has been extensive discussion with the Applicant regarding road improvements. The project has performed a Traffic Study. It and the proposed road improvements can be found in the submittal. It recommends: (1) Construction of the Moody Lane segment south of the river extending from Coleman Road to near the bridge location. This road will also be used to access the internal loop road. (2) 3 auxiliary lanes for turning movements at the Moody Lane/Coleman Road intersection. These are located to place the extra needed road width along the property frontage. (3) A pedestrian bridge crossing over the Coleman Road canal to Regan Place.

- o Minor Access: The interior of the apartment complex will be served by a minor access loop road with two points of access on Moody Lane. In addition, there will be access easements for parking lot driveways throughout the project.

- o Pedestrian Access: Pedestrian facilities are proposed throughout the project and on adjacent streets (including trails). None are proposed off-site.

- Water and Sewer Service: The project site is east of the Onda Verde subdivision, the nearest point of water and sewer service. The county's water and sewer system mains in Verona Drive are about 1000' from the project boundary and the developer proposes to extend the system to the project site. Service mains will extend throughout the site, and will be extended north in Moody Lane for future extension across the river.

- Stormwater: The applicant has provided a drainage report for dealing with stormwater. The concept is to mainly use surface drainage, though subsurface pipes may sometimes be needed. This would include sheet flow, street gutters, landscape swales, and roadside ditches for routing water to detention basins placed along the north and south edges of the site. The applicant proposes to design and landscape them to contribute to the open space.

A more detailed explanation is found in the Staff Report, which is provided for the Commissioners' review and decision. A copy of the Planning Commission recommendation is also attached.

Recommended conditions:

- 1) The maximum number of apartment units is limited to 444 units. The actual number of units shall be adjusted to meet calculations limits in County Code.
- 2) The Tentative Subdivision Map and other materials shall be updated within 60 days to add details for compliance with Churchill County Code and reflect requirements of these conditions of approval to the satisfaction of county department heads. Disputes shall be resolved by recommendation of the Planning Commission and approval by the Board of County Commissioners. Failure to update materials in a timely manner will require reconsideration by

recommendation of the Planning Commission and approval by the BOCC.

3) The Final Subdivision Maps shall be in substantial conformance with the approved Tentative Subdivision Map. A submittal not in substantial conformance must be approved as a modified tentative map by recommendation of the Planning Commission and approval by the BOCC.

4) The plan for the handling of each road shall be clearly indicated in the Tentative Map, as described in the Staff Report or determined at the hearing, to clearly state what is to be built and what is to be offered to the county. The proposed easement/right-of-way width, construction standard, and end of proposed road length (where applicable) for each road shall be clearly labeled. All roads shall be shown to be offered for dedication and drawn based on whether the county plans to accept the offer.

5) Additional road improvements shall be provided as indicated below. The Tentative Map and/or handbook shall identify and label such measures.

a) Privately maintained streets shall be signed to indicate they are privately maintained.

b) Street lighting shall be provided for the paved portion of Moody Lane meeting county standards. Street lighting on other streets shall be determined by the developer. Lighting shall be installed with the associated road improvements.

c) Pedestrian safety improvements shall be installed to county standards and as directed by the Road Supervisor.

d) Improvements required by the NV Dept. of Transportation shall be installed.

6) The river takeout park:

a) Shall be constructed with the facilities listed in the Staff Report.

b) Shall be offered for dedication on the tentative map, and the county plans to accept the park with approval of the Final Map.

c) Park facilities shall be constructed at the developer's expense and constructed with other subdivision infrastructure.

d) Acceptance of the park by the county will be contingent on a 1-year guarantee after construction.

7) CC&Rs shall include the following items:

a) The county's river takeout site shall be included within the boundaries of the Homeowners Association (HOA); but the county shall not be assessed fees, and the HOA shall not be responsible for site maintenance once the county takes on maintenance of the site.

b) All street lighting and common area lighting shall have power and fixture maintenance costs paid by the HOA.

c) All non-park landscaping shall be maintained by the HOA.

d) Stormwater basins and drainage pathways shall be maintained by the HOA.

e) The interior loop road and all private driveways shall be maintained by the HOA.

8) The Tentative Map's statement of CC&Rs shall summarize the use of the HOA and maintenance responsibilities.

9) The Tentative Map shall include a diagram of planned sewer and water main routing, both on-site and off-site, with existing main sizes and expected main sizes. Labels shall be included regarding plans for the dedication of improvements.

10) Off-site and on-site sewer and water infrastructure shall be designed and constructed to county standards. In addition:

a) Existing water and sewer lines lying outside the project that need to be upgraded to serve

the project shall be completed at the developer's expense, as determined by the Public Works Director.

b) Any sewer lift station upgrades needed to serve the project shall be completed at the developer's expense, as determined necessary by the Public Works Director.

c) Any additional water main segments needed to meet looping requirements shall be installed at the developer's expense, as determined by the Public Works Director.

d) County sewer and water infrastructure shall be extended to the point of departure for the river takeout site and individual service shall be extended to the takeout site.

11) Changes to the project materials shall be made for compliance with Churchill County Code (CCC), including but not limited to:

a) Documentation of compliance with the Multi-Family Development standards in CCC 16.16.020.8(I)

b) Documentation of total required parking and ADA parking spaces.

c) Documentation of sign area.

d) Water dedication requirements shall be met before Final Map submittal.

12) The Tentative Map shall be modified to reflect any changes required by the county Surveyor, including but not limited to the following:

a) Changes to clearly illustrate/document proposed abandonments.

13) All open spaces must be landscaped in substantial conformance with the approach provided in the submittal materials.

14) The two school bus turnouts requested by the Churchill County School District, and currently shown on submittal materials, shall be installed with construction of the interior loop road.

15) Any changes in layout or construct recommended by the Fire Marshall shall be implemented.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairman Scharmann asked if there was any public comment but there was none.

Commissioner Justin Heath made a motion to approve the Tentative Subdivision Map for the Riverstone Apartments on APNs 008-301-11 & 008-301-12, subject to conditions as listed in the Agenda Report and the Staff Report. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

G- Consideration and possible action re: Renewal of a Contract with Mark Stafford, Real Estate Appraiser, not to exceed \$7,500 to assist in appraising and defending the appraisals of solar and geothermal properties in Churchill County.

In Nevada, geothermal properties are classified as mining properties and, therefore, valued for tax purposes by the Nevada Department of Taxation. Stand-alone solar properties are locally assessed, while solar fields built in conjunction with geothermal plants are centrally assessed by the Department of Taxation.

NAC 361.1177 requires the Assessor to use the Marshall and Swift Valuation Service to value properties using the cost approach. However, costs for solar and geothermal facilities are not found within the Marshall and Swift service. If an appeal of value is received on such properties, the Assessor's office typically is not provided with supporting documentation such as production reports, nor is there market sales data for such properties. The Assessor's office does not have staff with the special certification or the expertise to determine the market value for utility properties such as these.

Centrally assessed properties are appealed directly to the State Board of Equalization. The Civil District Attorney typically files an intervener on behalf of the county per NAC 360.070. Again, without the expertise of an appraiser certified to value such properties, it is difficult for the county to defend its interests in these appeals.

It is our recommendation that Churchill County renew the Contract with Mark Stafford who is a General Real Estate Appraiser to put the county in a better position to defend these appraisals. Mr. Stafford's expertise and experience proved effective in reaching a stipulated agreement on Enel Stillwater PV Solar II in 2021 and 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: General Fund - Assessor's Department.

ACTION REQUESTED: Accept

Assessor Denise Felton made this presentation as outlined above.

Chairman Scharmann asked if there was any public comment but there was none.

Commissioner Myles Getto made a motion to approve the Contract with Mark Stafford, General Real Estate Appraiser, not to exceed \$7,500 to assist in appraising and defending the appraisals of solar and geothermal properties in Churchill County. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Nuisance Complaint:

3:00 PM - Consideration and possible action re: Nuisance Complaint filed by Steven L. Bohrn, Shannon Clevenger, and Jeffery Clevenger against Troy and Beatriz Holbrook related to noise and light at 2100 Trails End, Fallon, Nevada, APN 008-252-24 and adoption of Resolution 1-2023 declaring whether there is or is not a nuisance associated with this property.

On October 10, 2022, a Nuisance Complaint was filed by Steven L. Bohrn against Troy Holbrook and Beatriz Holbrook related to noise and light at 2100 Trails End, APN: 008-252-24, Fallon, Nevada. On October 13, 2022, Shannon Clevenger and Jeffery Clevenger also filed a Nuisance Complaint against Mr. and Mrs. Holbrook for the same reasons.

Churchill County Code 8.12.040 states: (A) The Board of County Commissioners shall proceed to hear the complaint and any opponents and may consider the findings presented by the authorized official. At the hearing, the board shall receive the proofs offered to establish or

controvert the facts set forth in the complaint. The board may adjourn the hearing from time to time, not exceeding fourteen (14) days in all. (B) On the final hearing of the complaint, the board shall by resolution entered into the Minutes, determine whether or not a nuisance exists and, if one does exist, order the person or persons responsible for such nuisance to abate the same.

Churchill County Code 8.12.050 ABATEMENT OF NUISANCE: The person or persons responsible for the nuisance shall enter into abatement plan with the County Commissioners or their designated representative within fifteen (15) days after the Board of County Commissioners renders its decision. The abatement plan shall be commenced within thirty (30) days after the board renders its decision and shall be completed at such time as the Board of County Commissioners, or its representative, has set forth in the abatement plan.

Churchill County Code 8.12.060 ABATEMENT BY THE COUNTY: If the order is not obeyed and the person(s) responsible for the nuisance fails or neglects to remove the nuisance within the time limit specified in section 8.12.050 of this chapter, the Board of County Commissioners may:

A. Order that the cost of abating the nuisance be a personal obligation of the property owner(s), and shall direct the District Attorney to collect the costs of abating the nuisance and interest thereon by use of all appropriate remedies.

B. Order that the cost of abating the nuisance be assessed against the property, and shall confirm the assessment and have it filed with the County Recorder. Thereafter, the assessment shall constitute a lien upon the property.

FISCAL IMPACT: \$205.76 - \$175.00 for the legal notice publication; \$14.86 for certified mailing postage; and \$15.90 for regular postage.

EXPLANATION OF IMPACT: Costs are incurred for the publication of the legal notice and the postage for notification letters.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Deputy Clerk Moore said anyone wishing to make comments should come forward and do the oath. The oath was given to Loreli LeBaron, Beatriz Holbrook, Steven Bohrn, Edward Kamps, Terry Clevenger, and Marion Jonte.

Steven Bohrn said I have a problem with the noise consistent with our neighbor at 2100 Trails End, the Holbrooks. It is mainly their teenage son that does this. He plays extremely loud music. It is a variation of all types of music and it is so loud that from their house, I live 344 feet from their house and it rattles my front window on my house. I could be watching TV inside with the volume around 30 and it rattles my front window and I have to constantly turn up my TV to overcome that sound. If you go outside, it sounds like a rock concert or any sort of variation of music that might be playing at the moment. My neighbor Ed, who lives across the street next door to them, has more issues to deal with than I do. The noise and the lights, the lights are always pointed on other people's houses. They are not just lighting up their driveway, it is actually shining out onto my property. I have photos here that Ed has taken from his house where my house is lit up. It is totally dark outside and my house is completely lit up. It looks like my house has daylight around it. We also have the issues of the son either driving a vehicle just recently, with limited or no exhaust on it, with the extreme noise running up and down the street

or riding his motorcycle up and down the street and purposely come out of the driveway and be looking onto my property and, if I happen to be outside, he would rev that motorcycle up until he is past my property driving on this paved road with an offroad vehicle and then when he returns he would do the same thing. Rev it up, rev it up, until he turns into his driveway and then run around on their property, which on their property is one thing but the noise that it projects onto other people's property, we have been putting up with it for a couple of years. If it wasn't the teenage son doing it, it was Mr. Holbrook himself. Recently, we understand that there has been some sort of separation between them. I don't know all the details to all of that so I can't attest to some of that. The noise of the son has been completely unruly. You tell them, you try to talk them to turn it down, you call the Sheriff's Department and they would come out and they would turn down the music and as soon as the Sheriff's Department would leave, they would turn it back up. It is a consistent problem. I don't know where to go. Either we need to make some sort of an ordinance or something. What needs to be done, I don't know, but we need something to control this matter. I understand the city has an ordinance about noise. There is also an ordinance with the state about dark skies. There are also time limits of the days when the noise is supposed to start and stop. Some of that refers to the construction industry time limits but, as far as I am understanding, there is no specific county noise ordinance. A few years ago, Churchill County adopted a noise ordinance against dogs barking for more than 30 minutes to a reasonable ear of 60 decibels and those persons caught with that situation could be fined. Something needs to be done with this nuisance noise complaint. This is not just me. Several of my neighbors surrounding this home and even the neighborhood surrounding this home have complained. It is a problem, so we are coming to try to get this problem addresses and fixed. At some point, there may, in fact, even need to be some sort of juvenile law enforcement might need to be counseled into this to correct some of the juvenile issues that are just completely unruly. If you speak to the son, he would state 'whatever' in some sort of manner in a response and then he would tell you to take a flying leap but would use other F word or he would not even acknowledge that you tried to speak to him to tell him to turn down the noise, so you would have to yell and then they would yell back profanities. It is not a proper upbringing to how I was brought up that someone would do this. I don't know how we need to go forward from this but we need the noise to stop. It is getting to a point where it is affecting my living. If I was to sell my home, or when someone comes to visit, they are subject to this noise. There needs to be something done. The Sheriff's Department now is to the point of, when you call them, they only call the son on his cellphone. They don't even bother to come out anymore. Then they call you back and say there is no noise ordinance. They can't do anything about it. In my opinion, there needs to be some sort of noise ordinance addressed and adopted and then that way the Sheriff's Department has guidelines they can follow that can be pushed through the courts to address some sort of a fine issue. I don't know where to go from here. We are asking for help. You are our County Commissioners and we are asking you for help. We have several people here to testify about several different issues with the same address.

Ed Kamps said I agree with everything he said because that is what I go through with them. This has actually started back up since the husband is gone. Every once in a while, maybe once a week, Betty is not home when this happens and I don't even say anything because nothing will be done. When the Sheriff's Department does come out, when they leave, he might not do anything that day, but he will in a couple of days after. Nothing ever gets done about it. I have

problems with the husband, Troy. He put up a fence and I have pictures of it. He added to the top of the fence probably 8-10 feet higher and now that fence acts as a sail because has an outdoor screen on it and when it catches that, it bends the fence post over. There is one of them hanging over my yard by over 10 feet on an angle, probably about 20 feet right now. He used to work for a drilling company and he dumped a tank full of sludge all over in the front part of my driveway. They came and cleaned it up. I had that fixed and now he is starting to do it again. Chairman Scharmann said I am afraid that would be a separate issue. Just to let you know, we are here to listen to both sides and then we have a resolution that we can present and we can make sure that the Sheriff has a copy of that resolution.

Marion Jonte said I live across the street at 2155 Trails End. The noise is way beyond loud. It is at all hours of the day and night. I know that another issue is a boom box, some call it a base unit. When they have that running, I am 2 homes over and it shakes my home. My biggest problem is at the age of 83, it makes me ill, the constant reverberation of that sound. It actually affects my physical being. We have a very sophisticated neighborhood where the average resident's age is 40 years old and it has been a very upgraded neighborhood and we have never had this kind of problem before. The Sheriff's Department is very reluctant to come out and help us. They have been out there but they don't have anything to back them up. They don't have any resolutions to help. We are asking you to consider something that can help us with the noise control. My wife and I turned the corner off of Moody Lane to head to our house one night and she said what is that and she flashed her lights upon the right side and there was a child about 8 years old in a go-cart going down the road with no lights or bright clothing. This family seems to not understand what it means to follow the law or to be careful and I am so fearful that somebody is going to get hurt bad. I would ask you to consider this and give us some help. We need some help in a resolution or something to give the Sheriff's Department some help.

Deputy District Attorney Joseph Sanford said I just want to remind everybody that we are here just for the complaints related to the sound and lights. I understand there are other things to discuss but, at this time, that would be a separate complaint and we may not even have jurisdiction of those. For this board's time, I would ask that you just address the sounds and the lights.

County Manager Jim Barbee said should we have staff report following this? We have a staff report that we want to present. Deputy District Attorney Joseph Sanford said it is up to the Chair. Typically, we would do the staff report next since it has been investigated and likely to be connected in that way but if Mrs. Holbrook wants to go first and then do the staff report, that is an investigative piece.

Beatriz Holbrook said I am trying to fix the light situation. I just found out that there are some covers that I can put on my lights. The noise complaint, my son does have a probation officer who has spoken to him about his speaker and the noise complaint because I have spoken to him about that. Chairman Scharmann said and your son is not here? Beatriz Holbrook said no he is not. He is underage, I don't even know if he can be here. When I am home, I do try to get him to keep it down. I am having issues with him at the moment and stuff like that. I do hear my neighbors and I understand the complaint and I will do what I can to fix it and get the help that I

need, the resources I need. With my fence, I am going to call out someone to see if they can help me cut down the fence that is in Ed's yard and take it down. Troy Holbrook is no longer in the home and cannot come on the property. He is not able to help me get it down. He is the only one that could do it. Chairman Scharmann said so your husband is gone? Beatriz Holbrook said yes, he is gone. Chairman Scharmann said you know where this could go. We will probably, I can't speak for the other Commissioners, but there is a good chance that we will pass a resolution so that the Sheriff's Department will have something that he can take to your home. It doesn't mean that they are going to arrest your son or anything like that but it certainly means that he is going to be getting a warning and it is going to be a little more serious warning than he has gotten up to this point. Is there anything else anyone wants to address?

Loreli LeBaron, Code Compliance Officer, said there have been two main issues with this. One is the lighting and the other is the noise. The noise has been somewhat of a delicate matter because we do not have an ordinance that we can enforce. There is a public nuisance, which noise does fall under and that is where I feel that it came before this board for you to determine if it falls under a public nuisance. I conducted interviews with approximately 11 residents on November 3, 2022, and all 11 residents reported feeling disturbed and disruption in the neighborhood from the amount of noise that comes from that residence. I personally observed the lighting and it is in violation. I had not had the ability to meet with Beatriz Holbrook or Troy until today where Beatriz Holbrook and I were able to have a conversation before this meeting. She disclosed to me her perspective of this situation and what was going on for her and she has agreed to a code compliance agreement when it comes to the lighting and the fence violation. We have scheduled a meeting next Friday to resolve some of those issues and I have granted her a 60-day allowance to resolve those issues, with an additional 30 days with the fence, the way it is grounded, and requiring metal fabrication. This has been an ongoing issue. The Sheriff's Department has had several calls. It was heavier with the noise complaint when Mr. Holbrook was inside the residence. Over the summer, when he was removed from the residence, the noise did die down and it has been reported about once a week. I have made contact with my contact at the Sheriff's Department who has informed me that, in December, there was one call and, in October, there was one. I talked to Captain Hollister and I do believe he was supposed to be here today. If you have any questions about that part of it, he can speak on that. As far as the noise goes, public statute, what is concerning to me is as far as the neighbors go, it is affecting their health, physically. I think that maybe that is something that can be addressed by the board and some type of resolution can be considered for the future and maybe, potentially, in this situation.

Chairman Scharmann said how old is your son? Beatriz Holbrook said he is 17. Chairman Scharmann said can I make a suggestion to you, because I am an old man and I have been in some of these spots before. Rather than to have an all out brawl with your son over this meeting, which is what it might end up being, I think you might want to talk to his probation officer and let them know about this meeting and whatever action we take. Then tell your son that you have spoken to his probation officer about today's meeting and you know, it would also be good if he would humble himself a little bit and help you with the fence and help you with the lighting and I think that would be a good thing. I don't know how much luck you will have but that is what I would suggest.

Commissioner Heath said I think, like you talked about it affecting their health, I think Mr. Jonte is vision impaired, so he needs his hearing for his health, so I think the loud music will impair him and affect his health in that way.

Chairman Scharmann asked if there was any public comment but there was none.

RESOLUTION 1-2023

A RESOLUTION FINDING THAT THE CONDITIONS FOUND AT 2100 TRAILS END (APN 008-252-24), CHURCHILL COUNTY, NEVADA, CONSTITUTE A NUISANCE

Commissioner Justin Heath made a motion to adopt Resolution 1-2023, a Resolution finding that a nuisance does exist related to noise and light at 2100 Trails End, APN 008-252-24. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Letters Received:

A- Bureau of Land Management's notification that it has completed the Decision Record, Environmental Assessment (EA) for the Dixie Meadows Geothermal Development Project in Churchill and Pershing Counties, Nevada.

The United States Department of the Interior, Bureau of Land Management (BLM) Carson City District (CCD), Stillwater Field Office received a 12 megawatt (MW) proposed geothermal Utilization Plan (12MW Plan) in accordance with the BLM's geothermal regulations at 43C.F.R. §3272.11 for the Dixie Meadows Geothermal Utilization Project (Project) from ORNI 32 LLC (ORNI 32 or Ormat), a subsidiary of Ormat Nevada, Inc., on November 16, 2022. The 12MW Plan modifies Ormat's Revised Utilization Plan, Version 5 (60MW Plan), which was approved by the BLM on November 23, 2021. This Decision Record (DR) replaces the November 23, 2021, approval of the 60MW Plan in its entirety.

The project is located in Dixie Valley, approximately 43 miles northeast of Fallon in Churchill County, Nevada, on lands within the Dixie Meadows Geothermal Unit that have been shown to have the highest potential for commercial feasibility through previously conducted exploration activities. The power plant and related wells and pipelines will be on geothermal leases that are on public lands administered by the BLM CCD, Stillwater Field Office, and a segment of United States Department of Navy (Navy) lands that have mineral rights owned by Ormat. The gen-tie line will be located on and off the leases but on public lands administered by the BLM CCD, as well as the Winnemucca District Office, Humboldt River Field Office, and a portion of Navy lands. The gen-tie line will follow the existing Dixie Valley Road, outside of wetlands and riparian areas in Dixie Meadows.

In its previous 60MW Plan, Ormat had proposed construction and operation of up to two 30MW geothermal power plant facilities and electrical substations; construction of up to 18 well pads; drilling and operation of core holes and slim hole wells on each pad; up to three geothermal production and/or injection wells on each pad; pipelines, access roads and support facilities; and construction and operation of a 120 kilovolt gen-tie transmission line north to Ormat's Jersey Valley Power Plant.

The BLM prepared an Environmental Assessment (DOI-BLM-NV-C010-2016-0014-EA) (EA) in accordance with the National Environmental Policy Act (NEPA) that analyzed the impacts of the 60MW Plan. In the EA, the 60MW Plan was analyzed as the Proposed Action. On November 23, 2021, the BLM issued a Finding of No Significant Impact (FONSI) and Decision Record (60MW DR) that approved the 60MW Plan. In the 60MW DR, the BLM approved the 60MW Plan, including mitigation measures and applicant-committed environmental protection measures developed and summarized in the EA and its appendices. These measures included implementation of the Aquatic Resources Management and Mitigation Plan (ARMMP) (Appendix H), which became part of the Conditions of Approval (COAs). Upon issuance of the 60MW DR, the 60MW Plan became effective and Ormat was allowed to move forward with implementation. In the FONSI, BLM explained that "Implementing the ARMMP, lease stipulations, and environmental protection measures together are sufficient to mitigate significant adverse effects to the hydrologic resources, aquatic habitat, and sensitive species known to be present in the Dixie Meadows." FONSI on page 3.

As more fully set forth in the EA, the purpose of the Proposed Action is to allow Ormat to develop the geothermal resources within the Dixie Meadows Geothermal Unit Area on public lands managed by the BLM that are leased to Ormat. The need for the Proposed Action is established by the BLM's responsibility under the Geothermal Steam Act of 1970, the BLM's geothermal regulations at 43 C.F.R. Part 3270, the Minerals Leasing Act of 1920, as amended, and Secretarial Order 3285. In addition, states across the western United States have adopted renewable portfolio standards that require electricity providers to obtain a certain percentage of power from renewable energy resources. Nevada's renewable portfolio standard requires that the state's utilities procure 50 percent of their energy from renewable sources by 2030. The BLM determined that the Project will help meet these mid and long-term regional needs. On December 15, 2021, Plaintiffs, The Center for Biological Diversity and Fallon Paiute Shoshone Tribe, filed a lawsuit in the United States District Court for the District of Nevada. Plaintiffs claimed that the BLM failed to comply with NEPA, the Federal Land and Policy Management Act, the Religious Freedom Restoration Act, the Administrative Procedure Act, and BLM's trust responsibilities to the Tribe by issuing the EA, FONSI and 60MW DR authorizing the Project. Plaintiffs moved for a temporary restraining order and a preliminary injunction to stop construction.

On January 14, 2022, the United States District Court for the District of Nevada denied Plaintiffs' motion for long lasting preliminary injunctive relief, but granted a 90-day temporary restraining order preventing construction of the Project. Ormat filed an appeal to the United States Court of Appeals for the United Circuit. On February 4, 2022, the Ninth Circuit issued an order granting a stay of the district court's injunction pending resolution of the cross-appeals and allowing Ormat to begin construction. The Ninth Circuit affirmed the district court's order on August 1, 2022. Ormat, however, agreed to halt construction of the first power plant after the columnar footings were poured in April-May 2022. Litigation has continued in the district court.

Dixie Valley Toad: On April 4, 2022, the United States Fish and Wildlife Service (USFWS) announced that it was making an emergency listing for the Dixie Valley Toad under the

Endangered Species Act (ESA). Upon publication of the emergency rule in the *Federal Register* on April 7, 2022, the Dixie Valley Toad was listed as endangered under the ESA and provided immediate federal protection for 240 days (through December 2, 2022). A proposed rule to list the Dixie Valley Toad as endangered was published concurrently on April 7, 2022, opening a 60-day comment period. The final rule listing the Dixie Valley Toad as an endangered species was published in the *Federal Register* on December 2, 2022.

Immediately following the emergency listing of the Dixie Valley Toad, BLM initiated an informal ESA consultation with USFWS. Ormat participated in the consultation as the applicant. Between April 4 and September 30, 2022, the BLM has met with USFWS weekly and Ormat at least bi-monthly to discuss the Project and the Dixie Valley Toad. In addition, the BLM conducted Technical Working Group meetings that included USFWS, Nevada Department of Wildlife, and Ormat. As discussed in greater detail below, BLM is now developing a biological assessment regarding the effects of the 12MW Plan on the toad, and Ormat continues to participate in the ESA Section 7 consultation process as an applicant.

In its 12MW Plan, Ormat now proposes to construct only one geothermal power plant; drill, test, and operate wells on up to 9 well pads (drilling may include geothermal production and injection wells; resource confirmation slim wells, and/or core holes); construct and operate pipelines to carry geothermal fluid between well fields and the power plant; and construct a 120-kilovolt gen-tie line and associated structures.

Any of the proposed well sites could be used for drilling core holes or slim hole resource confirmation wells. Core and slim hole rigs are smaller than full-size drill rigs and each hole would only require clearing an area of about 150 by 150 feet in size, or about 0.5 acres. Core holes and slim hole test wells are cheaper to drill and allow the resource to be evaluated at lower cost than a full-size well. However, their diameters are too small to be useful for fluid production or injection. In some cases, Ormat would first drill a core hole and slim well at a site to determine if a subsequent full-size production well would be warranted at the same location. If results were favorable, the pad would be expanded and a full-size well would be installed. If results were not favorable, the well could be retained as a monitoring well, or the hole could be plugged and abandoned and the site reclaimed. However, operation of the one authorized 12MW geothermal power plant is anticipated to only require the existing four well pad locations for production and injection. Additional wells may be drilled if the existing wells prove inadequate for the planned operation. The actual number of full-size wells and exploration wells that would ultimately be completed depends on the properties of the resource, including size, temperature, pressure, permeability, structural configuration, and depth. Where possible, Ormat would drill multiple wells at a well pad to minimize total surface disturbance.

Upon receipt of the 12MW Plan, BLM reviewed its NEPA analysis and determined that the existing EA, released in November 2021, adequately analyzes the impact of the 12MW Plan consistent with NEPA and that supplemental NEPA documentation is not required. The Council on Environmental Quality's regulation at 40 C.F.R. § 1502.9(c)(1) stipulates that agencies shall provide supplemental NEPA analysis under the following circumstances:

- (i) The agency makes substantial changes to the proposed action that are relevant to environmental concerns; or
- (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

Supplemental NEPA analysis is not warranted here because the 12MW Plan is a feature of, but smaller than, the Proposed Action analyzed in the EA. The 12MW Plan is located in the same area as the Proposed Action but is expected to have reduced impacts because it has a smaller footprint, fewer power plants, fewer wells, and a smaller MW output. The 12MW Plan is also expected to require a lower volume of produced fluid. The range of alternatives and the No Action Alternative in the EA continue to provide an appropriate basis for analyzing the 12MW Plan. The EA analyzed impacts to the Dixie Valley Toad, historic properties, tribal concerns, and other aspects of the human environment. There are no new or different environmental concerns, interests, or resource values presented by the 12MW Plan that the EA does not analyze.

BLM has thoroughly considered all the information provided by the Fallon Paiute-Shoshone Tribe about its religious and spiritual interests in the Dixie Meadows Hot Springs. The BLM and the Fallon Paiute-Shoshone Tribe has engaged in government-to-government consultation over many years and this engagement has taken the form of dozens of informal interactions including in-person meetings, calls, emails, as well as formal government-to-government consultation meetings and field trips. The BLM has heard the Tribe's concerns about the Project, tried to understand how to resolve those concerns, and implemented all the Tribe's suggested mitigation measures short of denying the Project. Tribal members will have continued access to the Dixie Meadows Hot Springs site. In addition, the BLM formally memorialized how it would resolve the Project's adverse effects in the MOA, signed by the SHPO and ACHP. The BLM solicited the Tribe's input on the MOA and the EA. The BLM also took concrete actions to modify the Project to address the Tribe's concerns, like moving the power plant and the location of the gentle line. The BLM and Ormat must adhere to the MOA, which was developed in consultation with the SHPO, ACHP, the Navy, and the Fallon Paiute-Shoshone Tribe, which will resolve adverse effects to the Dixie Meadows Hot Springs, which is a historic property eligible for the National Register of Historic Places.

Please see the attached document for more information.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

B- Carson Water Subconservancy District's 2022 Activities & Accomplishments.

The Carson Water Subconservancy District's has provided their list of activities and accomplishments for 2022 for the board's information.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

C- Nevada Division of Environmental Protection's notification of its no further action determination for Safety-Kleen's oil-impacted soil located beneath a spill contaminant area and adjacent to two rail lines and a concrete walkway at the facility.

The Nevada Division of Environmental Protection (NDEP) provides notification of its no further action determination for Safety-Kleen's oil-impacted soil located beneath a spill contaminant area and adjacent to two rail lines and a concrete walkway at the facility.

NDEP reviewed information contained in the Corrective Action file that has been provided by Safety-Kleen. Based on this review, oil-range total petroleum hydrocarbons remain in place above state action levels or remediation standards in soil. However, based on current land and groundwater uses, NDEP determined that no further assessment or remediation is required to be protective of human health and the environment [NAC 445A.227(2)]. NDEP may re-evaluate this decision if conditions at the site change or if new or previously unidentified information becomes available.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

Old Business:

A- Consideration and possible action re: Change in appointment of Commissioner to serve on the following boards/committees: Commissioner Heath to the Museum Association Board, Commissioner Getto to serve as the Cooperative Extension Liaison and on the Fire Board, and Commissioner Scharmann to serve on the Fallon Youth Club Board.

At the January 3, 2023 board meeting, the Commissioners assigned boards and committees for each Commissioner to serve on. Following that meeting, schedule conflicts were noted for four of those boards. After discussions with staff, Commissioners have agreed to change the following: Commissioner Getto to serve as the Cooperative Extension Liaison and on the Fire Board, Commissioner Heath to serve on the Museum Board, and Commissioner Scharmann to serve on the Fallon Youth Club Board for 2023-2024.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

County Manager Barbee said we just brought these forward because we had some individual conflicts with commissioners and we believe this lines all of that up and then Pam will be able to adjust her sheet if this is approved.

Chairman Scharmann asked if there was any public comment but there was none.

Commissioner Myles Getto made a motion to appoint Commissioner Getto to serve as the Cooperative Extension Liaison and on the Fire Board, Commissioner Heath to serve on the Museum Board, and Commissioner Scharmann to serve on the Fallon Youth Club Board

for 2023-2024. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: Adoption of Resolution 2-2023, a resolution establishing the travel expenses and subsistence allowance for Churchill County effective January 1, 2023, noting the new mileage rate of 65.5 cents per mile and the per diem rate remaining at \$59.00 per day.

In May 2002, the Board of County Commissioners approved Bill 2002-G, Ordinance 33, amending Title 2 regarding travel expenses and subsistence allowance. That change allows the board to change the allowances to match the standard rates in the Internal Revenue Service Publication 463, Travel, Entertainment, Gift and Car Expenses as published annually by Resolution. Provided to the board is the Resolution, which seeks to update the mileage rate to match the IRS notification for the period beginning January 1, 2023.

The mileage rate will be 65.5 cents per mile, up 3 cents from the current rate. It should be noted that the per diem total rate will remain at \$59 per day, which is unchanged from the current rate. FISCAL IMPACT: The fiscal impact is undetermined because we do not know how many employees will be traveling but they will be paid in accordance with IRS Publication 463 and this Resolution.

EXPLANATION OF IMPACT: As employees travel, the rate must be paid in accordance with IRS Publication 463 and this Resolution.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Comptroller Wideman made this presentation as outlined above.

Chairman Scharmann asked if there was any public comment but there was none.

RESOLUTION NO. 2-2023

A RESOLUTION ESTABLISHING THE TRAVEL EXPENSES AND SUBSISTENCE ALLOWANCE FOR CHURCHILL COUNTY AND OTHER MATTERS PROPERLY RELATING THERETO.

Commissioner Justin Heath made a motion to approve Resolution 2-2023 establishing the travel expenses and subsistence allowance for Churchill County effective January 1, 2023, noting the new mileage rate of 65.5 cents per mile and per diem rate of \$59.00 per day. Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Consent Items:

A- Consideration and possible action re: Report of the condition of each fund in the treasury and the statements of receipts and expenditures pursuant to NRS 251.030 and NRS 354.290.

A Fund Balance Report is attached indicating the beginning balance, receipts, disbursements, and the ending balance of each fund for Churchill County as required by NRS 251.030 and NRS 354.290.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

B- Consideration and possible action re: Building Permit Activity Report for December 2022.

Provided for the board's review is the report showing 20 permits issued in the month of December 2022. Included in the 20 permits are 2 single-family-dwelling permits, 1 commercial permit, 2 industrial permits, 15 manufactured home permits, and 3 septic permits.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

C- Consideration and possible action re: Building Department's Revenue Report for December 2022 totaling \$21,241.95.

The Building Department provides its Revenue Report for December 2022 for the board's consideration and acceptance. A total of \$21,241.95 was received for the month.

FISCAL IMPACT: \$21,241.95.

EXPLANATION OF IMPACT: Fees collected to help offset services provided.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

D- Consideration and possible action re: Recorder's Monthly Apportionment Report for December 2022 totaling \$14,855.50 in revenue for the month.

Churchill County Recorder, Tasha Hessey, provides her Recorder's Monthly Apportionment Report for December 2022 totaling \$14,855.50 in revenue for the month.

FISCAL IMPACT: \$14,855.50 in revenue.

EXPLANATION OF IMPACT: Fees to help off-set services provided.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

E- Consideration and possible action re: Recorder's 2nd Quarter Real Property Transfer Tax (RPTT) Report for October to December 2022.

Recorder Tasha Hessey provides her 2nd Quarter Real Property Transfer Tax (RPTT) Report for October - December 2022. Further details can be found by reviewing the report.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

F- Consideration and possible action re: Recorder's 2nd Quarter Report for Mining Claim Filing Fees for the period of October - December 2022.

Recorder Tasha Hessey provides her 2nd Quarter Mining Claim Filing Fees Report for the period of October - December 2022 required by NRS 517.185. Details can be obtained from reviewing the report.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

G- Consideration and possible action re: Churchill County Sheriff's 4th Quarter 2022 Report regarding the number of deaths of prisoners in the county jail, which was zero for the period of September through December 2022.

Nevada Revised Statutes require a report from the Churchill County Sheriff regarding the number of deaths of prisoners in the county jail and any known circumstances surrounding any such deaths. There were no such deaths at the jail for the period of October through December 2022.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

H- Consideration and possible action re: Public Works, Planning & Zoning Department's Revenue Report for December 2022 showing a total of \$29,136.29 in revenue for the month.

The Public Works, Planning & Zoning Department submits its Revenue Report for the month of December 2022 showing a total of \$29,136.29 in revenue. This report is provided for the Commissioners' review and acceptance.

FISCAL IMPACT: \$29,136.29 in revenue for the month.

EXPLANATION OF IMPACT: Fees to off-set services provided by the department.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

I- Consideration and possible action re: Court Services Second Quarter Revenue Report for the period of October to December 2022, reflecting \$7,630 in revenue for the quarter.

Brenda Ingram, Court Services Director, provides the department's 2nd Quarter Revenue Report for the period of October - December 2022 for the board's consideration and acceptance. A total of \$7,630 in revenue was collected for the quarter.

FISCAL IMPACT: \$7,350.

EXPLANATION OF IMPACT: Fees collected help to offset the costs of providing services.

FUNDING SOURCE: General Fund.

ACTION REQUESTED: Accept

Chairman Scharmann asked if there was any public comment but there was none.

Commissioner Myles Getto made a motion to approve the Consent Agenda as submitted. Commissioner Justin Heath seconded the motion, which carried by unanimous vote.

Consider Future Agenda Items:

It was suggested that we look at the noise situation to bring something forward in the future.

Commissioner and Management Staff Reports:

Chairman Scharmann had nothing to report.

Commissioner Heath reported on the following topics:

- I just wanted to say that all land on Coleman Road used to be farmland. From Hunter Park Way down to Onda Verde. I have been here long enough, that was Venturacci's Farm. The Navy base cannot build housing without Congress's approval and that takes a decade. Commissioner Myles Getto said, meanwhile, we have all suffered the consequences of that taking forever when we have to take it into our own hands and be proactive about it and it is not the most ideal or the most crystal clear thing, but we have to deal with what is in front of us. Commissioner Justin Heath said the Navy pushed that onto the communities because the military didn't want to spend money on housing so they relied on the communities and this is the consequence we are seeing.

Commissioner Getto reported on the following topics:

- This is my first full month on and I have been having a blast. Sometimes we have to make nasty decisions or not nasty, per say, but decisions that just are a lot of pushback and stuff like that but I am having a blast and I would like to thank you guys for working with me and showing me the ropes on everything.

County Manager Barbee reported on the following topics:

- I think you gave the public an excellent opportunity to share their concerns. Well done.

Comptroller Wideman reported on the following topics:

- We are just working on the budget.

Sheriff Hickox was not present.

Civil Deputy DA Sanford reported on the following topics:

- We are just working on the Legislature.

Clerk/Treasurer Rothery was not present and nothing was reported.

Claims and Payroll Transmittals:

The Claims and Payroll Transmittals were submitted for the board's consideration and approval.

Public Comment:

Chairman Scharmann asked if there was any public comment. Assemblyman Greg Koenig said I just want to commend you for a job well done. It's not easy. Over in Carson City, there are 42 of us and antagonists are not allowed on the floor, so we debate amongst ourselves and we vote. You guys are vulnerable in front of hostile crowds. I kind of feel part of this a little bit because I was here when it started and thank you for finishing what our vision was. Myles, this is probably as bad as it gets. Bus is trying to make you think there is worse coming but probably there is nothing else coming. Commissioner Heath said you are not on the School Board. Assemblyman Greg Koenig said good job and thank you for doing what is best for the whole county and not for just the neighborhoods that this affects. It affects the whole county and this is what is best for Churchill County. Thank you for your service and thank you for taking the abuse today.

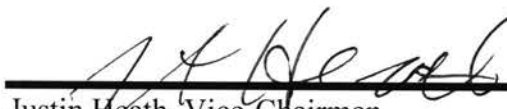
Adjournment:

The meeting was adjourned at 4:49 PM.

Approved:


Harry "Bus" Scharmann, Chairman

Approved:


Justin Heath, Vice-Chairman

Approved:


Myles Getto, Commissioner

ATTEST:
Linda Rothery, Clerk/Treasurer



Renae Paholke, Deputy Clerk